



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.906 OF 2024

M/s Siddharth Alloy Castings, through its Prop. Mrs. Aruna Bhavanam .Vs. State of Maharashtra, through Cyber Police Station, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Rohit M Sharma, Advocate for petitioner.

Shri S.N. Mahajan, Advocate for respondent No.2.

Ms Kartiki Gowardipe, Advocate for respondent No.5.

CORAM : ANIL S. KILOR, J.

DATED : 10/02/2025

1. Heard.
2. The respondent No.2 who is the applicant in Misc. Criminal Application No. 3615 of 2024, filed an application under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for release of amount of Rs.77,68,393/- on Supratnama.
3. The respondent No.2/Applicant, in paragraph-5 of the said application gave the details of amount deposited by her in various accounts. As far as the present petitioner is concerned, the respondent No.2 allegedly deposited Rs.80,640/- in the account of the petitioner. However, the record shows that this amount was not directly received in the account of the petitioner from the complainant but it was deposited through some other accounts.

4. Despite the fact that, it is the case of the respondent No.2 herself that from her account, amount of Rs.80,640/- was transferred in the account of the petitioner, the Court has permitted to withdraw the amount of Rs.5,73,296/- from the account of the petitioner without recording any reasons for allowing the respondent No.2 to withdraw the amount in excess to Rs.80,640/-.

5. No doubt, the notice was issued to the petitioner before passing the impugned order dated 10.09.2024 below Exh.1. However, according to the submission of the petitioner, the notice was misplaced and the matter remained unrepresented.

6. However, the fact remains that, it is the case of the respondent No.2 herself that from her account an amount transferred in the account of the petitioner is Rs.80,640/- and not Rs.5,73,296/-.

7. The learned counsel for the respondent No.2 is not disputing the above referred position as regards the claim of the respondent No.2 to the extent of Rs.80,640/- and not more than that.

8. In the circumstances, I am of the opinion that, the impugned order dated 10.09.2024 passed below Exh.1 in Misc. Criminal Application No.3615 of 2024 by the 23rd Jt. Judicial Magistrate First Class, Nagpur is required to be modified to the extent of petitioner and accordingly, the order is modified. The amount of Rs.5,73,296/- be replaced

by Rs.80,640/- in entry at Serial No.3, which relates to the petitioner, in a chart given with operative order.

9. So far this amount of Rs.80,640/- is concerned, in case the respondent fails in the said proceedings against the petitioner, the said amount received from the account of the petitioner shall be returned back to the petitioner.

10. In view of the above referred observations, the petition is **disposed of**.

11. At this stage, learned counsel for the petitioner points out that the amount of Rs.5,73,296/- has already been transferred in the account of the respondent No.2. Hence, it is directed that, the respondent No.2 shall re-transfer the amount of Rs.5,73,296/- after deducting Rs.80,640/- to the account of the petitioner within fifteen days from today.

JUDGE