



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 869 OF 2025

[Rohit S/o Radheyshyamji Somani and anr. **vs.** State of Maharashtra,
Director General of Police, Mumbai and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. A. A. Mardikar, Advocate for the petitioners
Mr. I. J. Damle, A.P.P. for the State/respondents

CORAM: **ANIL L. PANSARE**
AND RAJ D. WAKODE, JJ.

DATE : **08-12-2025.**

Heard.

2. The petitioners have approached this Court questioning the action of respondent nos. 1 to 3 thereby debit freezing bank account of the petitioners. Investigating Officer has debit freezed the accounts under Section 91 of the Code of Criminal Procedure, 1973 (for short 'the Code') read with Section 4 and 8 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short 'MPID Act').

3. Having heard both sides and having gone through the record, it appears that First Information Report (FIR) has been registered vide Crime No. 80/2025 for the offences punishable under Sections 420, 465, 467, 471, 474, 34 and 120(B) of the Indian Penal Code and Section 3 of the MPID Act. The time

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period of offence is for the period from the period of 26-6-2001 to 30-6-2024. FIR was lodged on 29-1-2025. The provisions of Indian Penal Code have been, however, invoked.

4. In our view, since the period of offence runs for the period from June, 2001 to June, 2024 and since the FIR was registered in January, 2025, the provisions of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNSS') and the procedure under the BNSS should have been followed by the Investigating Officer.

5. In any case, debit freezing bank account under Section 91 of the Code is not recognized, rather it is impermissible. So far as Sections 4 and 8 of MPID Act are concerned, learned counsel for the petitioners submits that under these provisions, the competent authority is empowered to attach the property under notification, which has been admittedly not done. The action, therefore, is apparently illegal.

6. Accordingly, impugned communications dated 7-2-2025 (Annexure-C) and 16-4-2025 (Annexure-D) are quashed and set aside. We may note here that this petition is not arising out of cyber crime or digital arrest. The accounts of petitioners stand defreezed.

7. The petition is disposed of in above terms.

(JUDGE)

(JUDGE.)