APHC010097842025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3457]
(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2115/2025

Between:

Syed Irfan **...PETITIONER/ACCUSED**

AND

The State Of Andhra Pradesh **...RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused:

1. DHEERA KANISHKA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following order:

Aggrieved by the order passed by the II Additional Judicial Magistrate of First Class, Kadapa, YSR Kadapa District, in Crl.MP.No.707 of 2024 in Crime No.295 of 2023, the present criminal petition is filed.

2. The petitioner was a victim of online fraud and he had deposited an amount of Rs.30,07,059/- (Thirty Lakh Seven Thousand Fifty Nine rupees) into various accounts, as instructed by the accused. Having realized that the petitioner was a victim of online fraud, he filed a complaint before the National Cybercrime Portal (NCRP), wherein the said authority has frozen Rs.13,34,083/- in different bank accounts pertaining to fraudulent transactions. Subsequently, the matter was handed over to Kadapa Taluka Police Station for investigation, which was registered as Crime No.295 of 2023. Thereafter, the petitioner filed an application before the learned Magistrate under Section 451 and 457 of Cr.P.C., seeking interim custody of Rs.13,34,083/-. However, the learned Magistrate, after considering the submissions of the petitioner and the public prosecutor, dismissed the said application, observing that the amount frozen by the Investigating Officer, and the amount transferred by the petitioner, was different.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor.

4. Learned counsel for the petitioner submits that in cyber crimes, once the accused withdraws the money from the account, the account would be closed, and fresh accounts would be opened in other banks.

5. Learned Assistant Public Prosecutor submits that there could be other claimants to the said amount. As of now, the Investigating Officer has not received any complaint about the said amount.

6. Perused the record and considered the rival submissions.

7. It is not in dispute that the petitioner had transferred amounts to various accounts held by the accused, and the amounts which are frozen by the NCRP, is following to the petitioner. In view of the same, this Court is inclined to set aside the impugned order dated 10.12.2024.

8. Therefore, the impugned order dated 10.12.2024 in Crl.P.No.707 of 2024 in Crime No.295 of 2023, on the file of the II Additional Judicial Magistrate of First Class, Kadapa, is hereby set aside. The Investigating Officer of Taluk Police Station shall address a letter to the concerned Bank for transferring the amount of

Rs.13,34,083/- to the account of the petitioner held in HDFC Bank No.5010443376454, within a period of two (02) weeks from the date of receipt of a copy of this order. Further, the petitioner shall submit an undertaking to the Police concerned that in the event if the other claimants claim the said amount, the petitioner is liable to pay the amount, as directed by the Court, after conducting trial.

10. With the above direction, the Criminal Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, shall stand closed.

HARINATH.N,J

Date: 17.03.2025
ANS

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THE HONOURABLE SRI JUSTICE HARINATH.N

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