



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

941 CONT. PETITION NO. 624 OF 2024

SHESHERAO S/O RAMRAO GAIKWAD

VERSUS

SHRI. D. B. GAT POLICE SUB-INSPECTOR,

....

Mr. A. R. Gaikwad, Advocate for the Petitioner

Mr. S. S. Dande, AGP for Respondent Nos. 1 and 2

Mr. M. D. Narwadkar, Advocate for Respondent No.3

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CORAM : Y. G. KHOBRAGADE, J.

DATE : January 20, 2026

PER COURT :-

1. Heard learned counsel for the petitioner at length.
2. By the present petition, the petitioner put forth prayer clause (B), as under:-

“B. This Hon’ble Court may be pleased to punish the respondents / contemnors for disobedience of the order dated 18.08.2023 passed by the learned Judicial Magistrate First Class, Beed in Cri. M. A. No.253 of 2023 and for that purpose issue necessary orders.”

3. It depicts that by invoking powers of this Court under Section 10 of the Contempt of Court Act, the present petitioner

seeks to award punishment to respondent Nos. 1 and 2, who are Police Sub Inspector, Cyber Crime and Investigating Officer, for breach of order dated 18.08.2023 passed by the learned Judicial Magistrate First Class, Court No.2, Beed. For the sake of brevity, I would like to quote the operative order dated 18.08.2023 passed by the learned J.M.F.C., Court No.2, Beed:-

- “1. Application is allowed.*
- 2. Out of total Freezed/Seized amount of Rs.3,50,521/-, the amount of Rs.2,24,997/- be released and hand over to the applicant on execution of Indemnity Bond of the same amount.*
- 3. Issue letter to concern Investigating Officer to unfreeze only amount of Rs.2,24,997/- which has been freezed in Account bearing No.110061419890, credit card bearing No.4375512040084009 of ICICI Bank of Adnan Ali, four FD accounts bearing Nos. 133613004565, 133613004566, 133613004567 and 133613004568 and account bearing No.922020047587589 of Goodwill Trading of Axis Bank and be credited to the account bearing No.62088694937, IFSC Code SBIN0020027 of informant namely Sheshrao Ramrao Gaikwad holding in State Bank of India, Branch Krushi, Branch Nagar Road, Beed.*
- 4. The applicant shall furnish indemnity bond at Police Station, Shivajinagar, Beed, Tq. And Dist. Beed.*
- 5. The Investigating Officer is directed to prepare detailed panchanama, while unfreezing the above amount as well as after receiving the said freezed / seized amount and also to keep statements of the said transaction and submit the same as well as indemnity bond along with charge-sheet.*
- 6. The applicant is directed to produce the said amount as and when required by this or any Court without fail.*

7. The applicant shall also give the affidavit stating that he will return the amount if anyone will claim and establish his ownership over the said amount.

8. Concern Clerk to issue letter to the Police Station Officer, Shivajinagar, Beed Tq. and Dist. Beed, on execution of indemnity bond for the applicant.”

4. After perusal of the order passed by the learned J.M,F.C., it appears that the present petitioner had filed an application under Section 457 of Cr.P.C. and prayed for interim custody of cash of Rs.2,24,997/- seized in connection with Crime No.337 of 2022 for the offence under Section 420 of I.P.C. and Section 66 and 66(c) of the Information Technology Act. It is further alleged that there was some fraud played against the present petitioner by the fraudster online by asking the OTP. Since the learned J.M.F.C., passed an order and directed the concerned officer to unfreeze only amount of Rs.2,24,997/- which was frozen, from the account No.110061419890 and Credit Card No.4375512040084009 of ICICI Bank and four FD accounts bearing Nos. 133613004565, 133613004566, 133613004567 and 133613004568.

5. The petitioner alleged that the respondents have not complied with the order dated 18.08.2023, therefore, the petitioner having remedy under the Cr.P.C., to approach before the same Court

with a complaint regarding non compliance with the order passed by the J.M.F.C. To my mind, this is not a fit case to invoke the jurisdiction under Section 10 of the Contempt of Courts Act. Hence, the Contempt Petition is dismissed.

[Y. G. KHOBRADE, J.]

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