



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

922 CRIMINAL WRIT PETITION NO. 1541 OF 2025

**M/S.CHOKSI VIMAL BULLION LLP
THROUGH PARTNER
BIPIN VIMALCHAND JAIN**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr.Amit Yadkikar a/w.
Mr.Akshay Kulkarni

APP for Respondent-State : Mr.R.K.Ingole
Advocate for Respondent no.2 : Mr.Arvind Deshmukh

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CORAM : MEHROZ K. PATHAN, J.

DATE : 24.03.2026

P.C. :

1] Heard the learned counsel for the petitioner. At the outset the learned counsel for the petitioner submits that the petitioner's bank account was freezed pursuant to the registration of an offence being FIR No. 616/2024 wherein the respondent-complainant has lodged the FIR for cheating and misappropriation. At the outset the learned counsel for the petitioner submits that sole ground of which the petition needs to be allowed is that the petitioner-Firm, who was the bank account holder, from its account the

amount is directed to be transferred in the account of the respondent-complainant has not been made a party. The order passed by the learned Judicial Magistrate First Class, Court No.2, Sailu, dated 19.06.2025, directing to release and return the amount of Rs.31,40,000/- from the account No.917020043873680 of the Axis Bank Ltd., Br. Menon Street, Zaveri Bazaar, Mumbai, which belongs to the petitioner – Firm, namely, M/s. Choksi Vimal Bullion LLP through its Partner Mr.Bipin Vimalchand Jain.

2] The learned counsel for the petitioner further submits that the respondent-complainant had challenged the order dated 19.06.2025 before the Additional Sessions Judge, Parbhani, by way of filing Criminal Revision No.44/2025 only to the extent of imposition of condition for release of the aforesaid amount, which imposed condition of furnishing bank guarantee of Rs.31,40,000/- as condition precedent. The said Revision was allowed vide order dated 20.08.2025 passed in Criminal Revision No.44/2025 by the Additional Sessions Judge, Parbhani.

The learned counsel for the petitioner further submits that even in the revision proceedings, the petitioner, who is original account holder of Axis Bank Ltd., Br. Menon Street, Zaveri Bazaar, Mumbai, was not heard and as such both the orders passed by both the Courts below are without giving an opportunity of hearing to the petitioner. The said orders are, therefore, in gross violation of principles of natural justice and as such the same needs to be quashed and set aside.

3] The learned counsel for the respondent no.2 though strongly opposed the present petition on merits, however, fairly concedes to the fact that the petitioner was not made as party respondent either in the application filed before the Judicial Magistrate First Class, Court No.2, Sailu or in the revision proceedings before the Additional Sessions Judge, Parbhani and the impugned orders are passed without hearing the petitioner.

4] Thus, taking into consideration the fact which borne out from the record that the petitioner was not

granted any opportunity of hearing, which is in clear violation of principles of natural justice and as such without going into the merits of the claim and rights made by the petitioner to object to such withdrawal or release of amount from it's account to the account of the respondent no.2 – complainant, the impugned order dated 19.06.2025 passed by the Judicial Magistrate First Class, Court No.2, Sailu is hereby quashed and set aside. The subsequent order of the Additional Sessions Judge, Parbhani, dated 20.08.2025 is also hereby quashed and set aside.

5] The learned Judicial Magistrate First Class, Court No.2, Sailu is directed to decide the application filed by the respondent no.2–complainant herein afresh by granting an opportunity of hearing to the petitioner herein. The parties are directed to appear before the Judicial Magistrate First Class, Court No.2, Sailu on 06.04.2026. The fresh decision shall be taken by the learned Judicial Magistrate First Class after hearing the petitioner and the complainant/informant within a period of two months

thereafter. The parties are at liberty to rely upon relevant documents.

6] Needless to mention that lien over the amount of Rs.34,75,000/- as directed vide communication dated 3rd June, 2025 by the police authorities, shall remain as it is till the fresh decision is taken by the learned Judicial Magistrate First Class, Court No.2, Sailu on the present remanded proceedings.

7] The Criminal Writ Petition is allowed and disposed of in above terms.

[MEHROZ K. PATHAN]
JUDGE

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