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

CRIMINAL WRIT PETITION NO. 282 OF 2026

Jyoti Ashok Keole, Age : 70 yrs, Occ. Household, R/o Khaparde Bagicha, Amravati, Tq. and Distt. Amravati.

... PETITIONER

VERSUS

1. State of Maharashtra, through Cyber Police Station, Amravati, Tq. & Dist. Amravati. 444 602

2. Ravi s/o Ramsubhash Maurya, age : 35 years, Occ. Business, R/o Jaju Nagar, Hingna Fata, Kaulkhed Road, Akola, Tq. & Dist. Akola.

... RESPONDENTS

Shri S.N. Chikhale, Advocate for the petitioner.
Shri A.M. Kadukar, APP for respondent/State.
Respondent no. 2 served.

CORAM: M.M. NERLIKAR, J.
DATE :12.06.2026.

ORAL JUDGMENT :

1. **RULE**. Rule made returnable forthwith.

2. Though respondent no. 2 is served through the petitioner by private mode and the affidavit has also been produced along with the postal track report, which goes to show that respondent no. 2 is served, however, respondent no. 2 chose to remain absent.

3. Heard the learned Counsel for the petitioner and learned APP appearing for the State.

4. By way of this petition, the petitioner is challenging the common order dated 14.01.2025 passed below Exhibit 69 and 93 in R.C.C. no.1398 of 2024 by the Chief Judicial Magistrate, Amravati, whereby the application filed by the petitioner for de-freezing the amount of Rs.13,33,956/- and releasing the seized amount of Rs.4,40,000/- from the account of accused no.3 on Supratnama, was rejected. Aggrieved by the said order the petitioner filed a Criminal Revision Application bearing No.23/2025 before the Additional Sessions Judge, Amravati, which came to be dismissed vide order dated 02.05.2025 and therefore, the petitioner has filed the present petition.

5. Learned Counsel for the petitioner submits that the petitioner had received a link on social media platform for investment and accordingly, she had invested Rs.1,53,77,824/- and sent the amount in different accounts of the accused from time to time. After

that the petitioner realized that it is an online fraud, therefore she has filed the First Information Report with the Police and during the investigation, the Investigating Agency has freezed certain accounts and in one of the account, which was maintained at IndusInd Bank bearing No.201028625415, the amount of Rs.13,33,956/- was freezed by the Investigating Officer.

6. Learned Counsel for the petitioner submits that from the account of the petitioner Rs.21,50,000/- was transferred through RTGS in this bank account and therefore, whatever amount remained in the bank i.e. Rs.13,33,956/- was freezed by police official belongs to the petitioner and therefore, he submits that the said amount be released in her favour. The Trial Court as well as the Revisional Court has apparently failed to take into consideration that the amount of Rs.21,50,000/- was transferred by the petitioner from her account to IndusInd Bank. Under such circumstances, though more amount was transferred however whatever amount is lying in the said account, ought to have been released by the Trial Court in favour of the petitioner. However, by not doing so, the Trial Court as well as the Revisional Court has committed gross error. In fact the petitioner is the victim, who is duped for Rs.1,53,77,824/-. Therefore, it is submitted that if the petitioner is asked to wait till conclusion of the trial, it would

amount to harassment of the petitioner and therefore, the amount is prayed to be released in favour of the petitioner. The petitioner is ready to give an Undertaking stating that in case the Court comes to the conclusion that the petitioner is not entitled for the said amount, then she will deposit the same in the Court.

7. So far as the cash amount of Rs.4,40,000/- is concerned which was seized from accused no.3, at present the petitioner is not pressing the prayer for the said amount. However, the petitioner seeks liberty to claim the said amount at a later point of time, i.e. after conclusion of the trial.

8. On the other hand, learned APP vehemently opposes the petition and supports the reasoning given by the Trial Court. He submits that it is not in dispute that some amount was transferred from the account of the petitioner to the IndusInd Bank however, unless and until her entitlement is decided by the Trial Court by leading the evidence she would not be entitled for the same. Therefore, he prayed to dismiss the petition.

9. I have considered the rival submissions and perused the impugned orders. It appears from the impugned orders that the Investigating Officer has given no objection to release the amount in

favour of the informant by filing a Say at Exhibit 74 to the application at Exhibit 69. The record shows that Rs.21,50,000/- has been transferred from the account of the petitioner in the account at IndusInd bank, which was maintained by the S.S. Marketing, Amravati. It is an admitted fact that the petitioner has deposited amount of Rs.21,50,000/- through RTGS, the Trial Court and the Revisional Court ought to have considered the said fact. One does not know when the trial will conclude and further the petitioner has already lost Rs.1,53,77, 824/-. At least, the Court ought to have de-freezed the amount of Rs.13,33,956/- in favour of the petitioner. This type of online frauds are increasing day by day and poor victim are falling prey to it. Asking the petitioner to wait till the conclusion of trial, would be doing injustice to her. Therefore, in the interest of justice, the amount of Rs.13,33,956/- freezed by the Investigating Agency can be released by taking the aforestated Undertaking as no purpose would be served by keeping the said amount in the account. In my opinion, both the Courts below have miserably failed to take into consideration the facts of the case and in its true perspective and therefore, both the impugned orders are liable to be quashed and set aside. Hence the following order:

(a) The petition is partly allowed.

(b) The common order dated 14.01.2025 passed below Exhibit 69 in R.C.C. no.1398 of 2024 by the Chief Judicial Magistrate, Amravati, and the order dated 02.05.2025 passed by the Additional Sessions Judge, Amravati in Criminal Revision Application No.23 of 2025, are hereby quashed and set aside.

(c) The petitioner shall file an Undertaking before the Trial Court stating that in case she fails to prove that the amount belong to her, she will deposit the same in the Court.

(d) After filing of an Undertaking, the concerned Investigating Agency shall take necessary steps and release the freezed amount of Rs.13,33,956/- in favour of the petitioner by transferring the same in the account of the petitioner within three weeks from today.

10. With these observations, the petition stands disposed of. Rule is made absolute in above terms.

(M.M. NERLIKAR, J.)

Trupti