

GAHC020007382022



**THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL  
PRADESH)  
KOHIMA BENCH**

**Case No. : CrI.L.P./6/2022**

SHRI. SAMGING WANGSU AND ANR  
S/O ROANWANG WANGSHU, R/O KAIMAI,  
PO/PS KHONSA,  
TIRAP DISTRICT, ARUNACHAL PRADESH

2: SHRI. WANGLIK TANGJAN  
S/O WANGPONG TANGJAN  
R/O KAIMAI,  
PO/PS KHONSA,  
TIRAP DISTRICT, ARUNACHAL PRADESH

VERSUS

THE STATE OF NAGALAND AND ANR  
KOHIMA NAGALAND

2:THE NATIONAL INVESTIGATION AGENC

**Advocate for the Petitioner : N. LONGKUMER**

**Advocate for the Respondent : GOVT ADV NL**

**BEFORE  
HON'BLE MR JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 16.10.2023**

**1.** Heard Mr. Moa Jamir, learned counsel for the petitioners. Also heard Mr. K. Angami, learned Public Prosecutor for the State of Nagaland and Mr. Satyanarayana, learned Senior Public Prosecutor

for the NIA.

**2.** This application under Section 482 of the Code of Criminal Procedure, 1973 read with Section 451 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, *1. Sri Samging Wangsu and 2. Sri Wanglik Tangjang* impugning the order dated 16<sup>th</sup> July, 2021 passed by the Court of learned Special Judge, NIA, Dimapur in I.A.(Zimma) No. 171/2021 arising out of R.C.-10 of 2019 whereby the prayer for defreezing the SBI Account No. 11387543648 of Mr. Samging Wangsu and SBI Account No. 37248351034 of Mr. Wanglik Tangjang in the SBI Khonsa Branch, Tirap, Arunachal Pradesh was rejected.

**3.** The petitioners has also prayed for release of the amount of Rs.99,000/- (Rupees Ninety Nine Thousand) of Sri Samging Wangsu (petitioner No. 1) and release of the amount of Rs.360/- (Rupees Three Hundred Sixty) of Sri Wanglik Tangjang (petitioner No. 2), which was originally seized earlier in connection with Dimapur East Police Station, Dimapur, FIR No. 0204/2019 and presently transferred in connection with R.C.-10 of 2019, NIA, Guwahati.

**4.** Learned counsel for the petitioners has submitted that though the investigation of NIA Case No. R.C.-10 of 2019 has been completed and charge-sheet has already been laid vide Charge-sheet dated 14.02.2020, however, in Column No. 21 of the charge-sheet, it has been specifically mentioned that the charge-sheet has been laid against the main accused person, namely, Luckin Mashangva @ Wanking Lowang @ David and Jaikishan Sharma @

Jackson, however, no prosecution was recommended against the present petitioners at the stage of filing the charge-sheet and it was stated in the charge-sheet that further investigation is to be continued against the present petitioners. However, in spite of the filing of the charge-sheet way back in the year 2020, the prayer for defreezing of the bank account of the petitioners, which were earlier freezed in connection with investigation of aforementioned case was rejected by learned Trial Court only on the ground that the linkage of aforesaid SBI accounts in terror funding needs further inquiry.

**5.** Learned counsel for the petitioners has submitted that after laying of the charge-sheet, sufficient time has been lapsed and the petitioners are deprived of using of their legitimate bank accounts due to freeing of the bank accounts in connection with the aforesaid investigation.

**6.** On the other hand, learned Senior Public Prosecutor, NIA has submitted that though presently charge-sheet has not been laid against the present petitioners, however, the investigation is going on against them regarding their linkage with the aforesaid case in which the charge-sheet has been laid. However, learned Senior Public Prosecutor fairly submits that at this stage of further investigation the continued freezing of the aforesaid bank accounts may not be required and same may be defreezed, subject to certain conditions.

**7.** The learned Senior Public Prosecutor suggested that that the petitioners' bank accounts may be defreezed subject to the condition that they may be directed to intimate the Investigating Officer as and when an amount of Rs.20,000/- (Rupees Twenty

Thousand) or more is debited or credited from the said accounts.

**8.** Learned Senior Public Prosecutor also submits that the amount of Rs.99,000/- (Rupees Ninety Nine Thousand) and Rs.360/- (Rupees Three Hundred Sixty) which was seized from present petitioners may also be given in custody of the present petitioners subject to certain conditions.

**9.** Considering the submissions made by learned counsel for both sides and considering the fact that at this stage when the charge-sheet in connection with the FIR in which the allegations were made against the present petitioners has already been laid almost 3(three) years ago and till now no sufficient incriminating material against the present petitioners could be collected by the Investigating Authorities, continued freezing of the SBI account numbers of the present petitioners may not be justified for the any further investigation in this regard. The Bank accounts of the petitioners may not be kept freezed for an unlimited period of time merely on the ground of suspicion of their involvement in the alleged offence. It is, therefore, directed that the SBI Account No. 11387543648 belonging to Mr. Samging Wangsu and Account No. 37248351034 belonging to Mr. Wanglik Tangjang may immediately be defreezed. However, a condition is imposed on the petitioners that whenever there is a transaction in the said accounts to the tune of Rs.20,000/- or above during next 6(six) months or till the further investigation of NIA Case No. R.C.-10 of 2019 is continuing, whichever is earlier, the petitioner shall intimate about such transaction to the Investigating Officer of the said case.

**10.** Similarly, for the aforesaid reasons, the amount of Rs.

Rs.99,000/- (Rupees Ninety Nine Thousand) which was seized in connection with the aforesaid case is directed to be released to the petitioner No. 1, namely, Sri Samging Wangsu on furnishing a bond of Rs.99,000/- (Rupees Ninety Nine Thousand) for production of the said amount as and when so directed by learned Special Judge, NIA and the amount of Rs.360/- (Rupees Three Hundred Sixty) be also released to the petitioner No. 2, namely, Sri Wanglik Tangjang on furnishing of a bond of Rs.360/- for producing the said amount and as and when so directed by the learned Special Judge, NIA.

**11.** With the above observation, this petition is disposed of.

Sd/-

**JUDGE**

**Comparing Assistant**