

Court No. - 40

Case :- WRIT - C No. - 33061 of 2023

Petitioner :- Shamim Ahamad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ravi Shanker Tiwari

Counsel for Respondent :- C.S.C.,Ankit Saran,Satish Chaturvedi

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ravi Shankar Tiwari, learned counsel for the petitioner, Shri Ankit Saran, learned counsel appearing on behalf of respondent nos. 2 and 3 and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. Present writ petition is preferred a direction commanding the Regional Manager, State Bank of India, Bareilly Zone, Bareilly (respondent no.2) to accord permission to the petitioner to operate his Saving Account No. 33680627099.

3. The petitioner claims to have a Saving Account No.33680627099 in State Bank of India, Branch Faridpur, District Bareilly. Regarding certain transactions in the said account, the petitioner had lodged the First Information Report against the then Branch Manager, SBI and even, the bank had also lodged the FIR against its employee, which was registered as Case Crime No.195 of 2023, under Sections 420, 467, 468, 471 IPC, Police Station Faridpur, District Bareilly on 21.04.2022.

4. The grievance of the petitioner is that aforesaid saving account is a service account and at present, the petitioner is working in Ordnance Factory. On account of freezing of the said saving account, he is suffering irreparable loss and injury.

5. It is pressed before us that the petitioner is willing to cooperate in the ongoing investigation and leave may be accorded to run the aforesaid saving account.

6. Shri Ankit Saran, learned counsel appearing for the respondent bank, on the instruction, states that the investigation is in progress and at this stage, the Branch Manager without any direction cannot permit the petitioner to run the account in question as the same is subject matter of criminal investigation.

7. Considering the facts and circumstances, we are not inclined to

keep the matter pending consideration.

8. In view of above, without expressing any opinion on the merits of the case and with the consent of parties, the writ petition is disposed of with a direction to the second respondent to look into the grievance of the petitioner and redress the same strictly in the light of the guidelines issued by the Reserve Bank of India, which holds the field but certainly after taking comment from the investigating officer, who is ceased with the matter.

Order Date :- 29.11.2023

Rama Kant