

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17326 of 2023

Petitioner :- Mahboob Haider Rizvi @ Saiyad Mahboob Haider Rizvi

Respondent :- State Of U.P. And 12 Others

Counsel for Petitioner :- Satya Prakash Singh, Satya Prakash Singh

Counsel for Respondent :- G.A., Manish Trivedi

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard learned counsel for the petitioner and Shri Ashutosh Kumar Sand on behalf of the State.

The writ petition has been filed seeking the following relief:-

"i) Issue writ order or direction in the nature of Certiorari to quash the impugned order dated 31.01.2023 passed by the Respondent No. 5/Additional Superintendent of Police/Nodal Officer Cyber Crime Cell, Manjhanpur, District Kaushambi whereby the petitioner's Account No. 77701332519, ICICI Bank has been freezed/ blocked under section 91 of the Criminal Procedure Code contained as Annexure No. 1 to this writ petition."

It has been stated that the account which has been frozen has since been made fully operational. This fact is admitted by the counsel for the petitioner.

On the earlier occasion, the order dated 08.12.2023 the following order has been passed:-

"3. Amongst other things, it transpires from arguments that the bank account of the petitioner has been frozen on a recommendation made by the concerned Investigating Officer and order dated 31.01.2023 has been passed by Nodal Officer, Cyber Crime Cell, Manjhanpur, District Kaushambi.

4. Let personal affidavit of the concerned Investigating Officer and Nodal Officer, Cyber Crime Cell, Manjhanpur, District Kaushambi be filed positively by 11.12.2023 explaining the action taken by them. Affidavit shall also state as to why Cyber Crime Cell, Manjhanpur is involved when no violation

of provisions of the I.T. Act is alleged."

Two personal affidavits of the compliance one by the I.O., namely, S.I., Aditya Kumar, P.S. Manjhanpur, District Kaushambi and the other of Shri Samal Bahadur, Additional Superintendent of Police, Kaushambi have been filed, in compliance of the order noted above.

It has been submitted by Shri Ashutosh Kumar Sand that an inquiry has been set up in the matter against the I.O. It has also been submitted that against the Nodal Officer a warning has been issued which has been directed to be retained on his service record.

Under the circumstances and since the relief prayed for, has also been granted, the writ petition has been rendered infructuous and is disposed of as such.

Order Date :- 13.12.2023
Priyanka