

GAHC010212202023



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

Case No. : Crl.Pet./1018/2023

TIPBORLANG MAWSOR
S/O- LEMINGPUWIEN, R/O- BANGLAPLUH, P.O. RIANGDO, DIST.- WEST
KHASI HILLS, MEGHALAYA, PIN- 793119

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY ITS PUBLIC PROSECUTOR

2:THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY MINISTRY OF HOME AFFAIRS (MHA)
NORTH BLOCK
GOVERNMENT OF INDIA
NEW DELHI

3:FEDERAL BANK LTD.
ZONAL OFFICE
FEDERAL TOWERS
MARINE DRIVE
ERNAKULAM- 682031

4:JUPITER CAPITAL PVT. LTD.
S V ROAD
AMICA FINANCIAL TECHNOLOGIES
3RD FLOOR
VIRAJ BUILDING
MUMBAI
MAHARASTRA
PIN- 400052

5:INDIAN CYBER CRIME
COORDINATION CENTRE (I4C) 5TH FLOOR

NDCC-II BUILDING
JAI SINGH ROAD
NEW DELHI

6:DEPUTY INSPECTOR GENERAL OF POLICE
CID
CYBER CRIME CELL ASSAM
ULUBARI
GUWAHATI- 78100

Advocate for the Petitioner : MR. S MITRA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 08.04.2024

Heard Mr. S. Mitra, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State/respondent No.1 and Mr. M. Sharma, learned counsel for the respondent No. 3.

2. This application has been preferred under Section 482 Cr.P.C., in connection with Chandmari P.S. GDE No. 415/2022, praying for defreezing the bank account of the petitioner bearing A/C No. 77770101263784 held with respondent No.2 i.e. Jupiter and operated by Jupiter Capital Private Ltd. in a Fintech collaboration with Federal Bank.

3. The learned counsel for the petitioner submits that since 2021, the petitioner has been actively engaged in the world of cryptocurrency trading, particularly in Bitcoin, through the popular exchange platform, Binance. It is also submitted that the petitioner had made a net earning of Rs.2.25 lakh for the Assessment year 2023-24. On 08.08.2022, the petitioner received an order from Ms. Satarupa Sarma/informant to purchase Bitcoin for a total amount of Rs.8,000/- for which the informant make the payment through

UPI. The said amount was credited on the bank account of the petitioner vide A/C No. 77770101263784. Thereafter, the petitioner transferred the agreed-upon amount of Bitcoin to the buyer i.e. Ms. Satarupa Sarma vide Order No. 20389812096498454528 dated 08.08.2022. The trading platform i.e. Binance had also issued a receipt to that effect to the petitioner showing the order/transaction status has completed.

4. It is further submitted that on the following day i.e. on 09.08.2022, the petitioner was not able to make any transaction in his aforesaid bank account held with respondent No. 2. Immediately, the petitioner contacted with his banker, who in turn informed him that his account has been frozen on instructions and orders of a Law Enforcement Agency(LEA). Thereafter, the petitioner came to know that a complaint against his account number was lodged at the National Cyber Crime Reporting Portal vide complaint No. 30408220003232 dated 09.08.2022. It is also submitted that the banker informed the petitioner that the said complaint was registered due to aforesaid transaction relating to purchase of Bitcoins between the petitioner and the informant Ms. Esatarupa Sarma. Under such backdrop, the petitioner has prayed to defreeze his bank account.

5. On the other hand, Mr. Sharma, learned counsel for the respondent No. 3 submits that the account of the petitioner did not freeze by the bank officials.

6. I have considered the submissions made by the learned counsel for the parties. A report is received from the investigating officer, as called for.

7. It is reported by the investigating officer that after completion of enquiry, the savings bank account No. 770101263784 maintained with NEO banking Jupiter (online) platform is not freezed. The said account is under inactive status as per the information received from Federal Bank. In the said account, lien marked has been initiated centrally at the specific request

from NCRB Assam vide order No. 30408220003232 dated 09/08/2022 Assam for Rs.5,000/- & UPC recall vide UPI 222062255721 for Rs.8,000/-. Accordingly, Chandmari O/C has sent notice dated 19-10-2023 to the bank for removing of the said lien.

8. In view of the above, the prayer of the petitioner is allowed. Accordingly, the revision petition stands disposed of.

JUDGE

Comparing Assistant