

GAHC010251282023



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

Case No. : WP(C)/6653/2023

BROJEN KALITA
S/O- LATE KANDARPA KALITA,
RESIDENT OF VILLAGE 1 NO. BAMUNGAON,
WARD NO. 34, P.S. JORHAT (BHUGDOI O.P.),
DISTRICT- JORHAT, ASSAM.

VERSUS

THE STATE BANK OF INDIA AND 5 ORS
REPRESENTED BY THE CHAIRMAN,
CORPORATE CENTRE, SBI BHAWAN,
MADAME CAMERON ROAD,
NARIMAN POINT, MUMBAI,
MAHARASHTRA- 400021.

2:THE ZONAL MANAGER
SBI LOCAL HEAD OFFICE
DISPUR
GUWAHATI- 781006.

3:THE BRANCH MANAGER
HATIGAON CHARIALI BRANCH (05162)
MEHARBAN PATH
HATIGAON CHARIALI

GUWAHATI- 781038.

4:THE CHIEF MANAGER
STATE BANK OF INDIA
JORHAT BRANCH (00104)
A.T. ROAD
JORHAT

OPP. UNNAYAN SUPER MARKET

JORHAT
785001.

5:THE OFFICER-IN-CHARGE
HATIGAON POLICE STATION
HATIGAON
GUWAHATI- 781038

DISTRICT- KAMRUP(M)
ASSAM.

6:PARTHAJEET PATHAK
OFFICER-IN-CHARGE
HATIGAON POLICE STATION

S/O- ANIRUDHA PATHAK

R/O- ASHOK PATH

H/NO 40
P.S.- HATIGAON

DISTRICT- KAMRUP(M)
ASSAM

PIN- 781038.

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF HOME AND POLITICAL AFFAIRS
DISPUR
GHY-6

Advocate for the Petitioner : MR R DHAR

Advocate for the Respondent : MR. A K SAHEWALLA (R-1 TO 4)

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 03.04.2024

Heard Mr. R. Dhar, learned counsel for the petitioner as well as Mr. W. Sarma, learned counsel for the respondent nos. 1 to 4 and Mr. Pegu, learned counsel of the Government Advocate for the respondent nos. 5 to 7.

2. The grievance of the petitioner is that in course of investigation of Hatigaon Police Station Case No. 162/2023 under Section 381 of the IPC, direction was given to the State Bank of India, Jorhat Branch to freeze the operation of bank accounts nos. 10638568929 of Mr. Brojen Kalita, 20388250245 of Smt. Dipali Kalita and 38391705253 of Ms. Akangkhyia Kalita which are in the name of the petitioner, his wife and his daughter respectively. It is submitted that the operation of the aforementioned accounts have been put on hold from 16.06.2023 and since then the petitioner has not been able to withdraw his salary which is credited into the petitioner's bank account no. 10638568929. Accordingly, the learned counsel for the petitioner has submitted that it has become very difficult for the petitioner to maintain his family and to take care of his school going daughter. Hence, this writ petition has been filed under Article 226 of the Constitution of India for issuing direction upon the respondent bank to de-freeze the bank account of the petitioner.

3. The learned counsel for the respondent nos. 1 to 4, has submitted that the bank respondents were served with a W.T. message and letters dated 04.05.2023 and 06.05.2023 (Annexure-1 to the affidavit-in-opposition) by the Officer-In-Charge of Hatigaon Police Station through the O/C of Jorhat PS, directing that the account of the petitioner be frozen in connection with

Hatigaon P.S. case no. 162/2023.

4. As the freezing of the bank account of the petitioner and his family has been done pursuant to the direction issued by the O/C Hatigaon P.S. Case no. 162/2023, writ would not be maintainable against the Bank or O/C concerned. The petitioner is aggrieved by the directions issued by the O/C concerned.

5. Therefore, this writ petition is closed by granting leave to the petitioner, the liberty to approach the jurisdictional Court or to take such other step as the petitioner may be so advised.

6. However, having noted that the petitioner claims to be an employee of the State Bank of India, Jorhat Branch and his salary is being credited to the bank account no. 10638568929, the Court is inclined to provide that the State Bank of India, Jorhat Branch shall permit the petitioner to open another savings bank account so that he can receive his current salary through the said account. On a certified copy of this order copy being produced, the Branch Head of State Bank of India, Jorhat Branch shall permit the petitioner to open separate bank account where his current salary can be credited henceforth.

6. Accordingly, the writ petition stands party allowed to the extent as indicated above.

7. The petitioner shall also serve a copy of this order to the O/C, Hatigaon P.S. to make it a part of record of Hatigaon P.S. Case No.162/2023.

JUDGE

Comparing Assistant