

GAHC010281642023



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

Case No. : WP(C)/7332/2023

ASHIMJYOTI CHAKRABORTY
S/O- AKSHAY CHAKRABORTY,
R/O- BANGAON,
P.S.- BELSOR,
DIST.- NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
HOME AND POLITICAL DEPARTMENT,
DISPUR-06, ASSAM.

2:DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-07.

3:OFFICER-IN-CHARGE
CHANDMARI POLICE STATION
GUWAHATI-03.

4:THE BRANCH MANAGER
STATE BANK OF INDIA
NALBARI BRANCH
NALBARI- 78335
ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

14.06.2024

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate, Assam for the respondent nos. 1 to 3. None appears for the respondent no.4.

2] In view of the order passed by this Court on 04.06.2024, Ms. S. Baruah, learned Government Advocate, Assam, has produced a communication dated 12.06.2024 issued by the Asstt. Inspector General of Police (Law), Ulubari, and she submits that the Deputy Commissioner of Police (Crime), Guwahati has informed that the petitioner's Savings Bank Account No.30334063796 with the State Bank of India, Nalbari Branch, which was frozen during the investigation of Chandmari Police Station Case No.325/2023 under Section 120B/406/420 of IPC, is no longer required in connection with this case.

3] On 18.12.2023, Notice was directed to be served on the respondent no.4 by Registered post with A/D.

4] Office report dated 22.05.2024 reflects that the internet generated track consignment report of the Postal Department confirms that the Notice was delivered to the addressee i.e. the respondent no.4 on 26.03.2024. Accordingly,

it has held that the service on the respondent no.4 is complete. However, none represent the respondent no.4, Branch Manager, SBI, Nalbari.

5] Taking into consideration the submission of Ms. S. Baruah, learned Government Advocate, Assam, and upon perusal of the communication 12.06.2024 placed before the Court, this writ petition is disposed of with a direction to the respondent no.4 to verify from the Office of the Deputy Commissioner of Police (Crime) in respect of the information that has been placed before the Court that the petitioner's Savings Bank Account No.30334063796 with the State Bank of India, Nalbari Branch, is no longer required in connection with Chandmari Police Station Case No.325/2023 under Section 120B/406/420 of IPC and the account is therefore no longer required to be frozen. On due verification of that information if it is found to be correct, the SBI authorities will forthwith defreeze the Saving Bank Account No.30334063796 of the petitioner available with the bank. This entire action will be carried out within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order.

6] The respondent nos. 2 & 3 are also directed to communicate to the respondent no.4 that the Savings Bank Account of the writ petitioner is no longer required for the purpose of the investigation of Chandmari Police Station Case No.325/2023 under Section 120B/406/420 of IPC and therefore, be

defreezed. All these directions be carried out within a period of 2 (two) weeks from the date of receipt of a certified copy of this order.

7] The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant