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

Case No. : WP(C)/2112/2026

PRAJALITA BORA KOCH
R/O CLUB ROAD, CHANDAN NAGAR, BY LANE 16, JORHAT EAST, JORHAT, JORHAT, ASSAM, 785001.

VERSUS

THE BRANCH MANAGER HDFC BANK AND 7 ORS.
K.B. ROAD BRANCH, JORHAT, ASSAM, 785001, (IFSC- HDFC0000753)

2:HDFC BANK ZONAL OFFICE
THROUGH ZONAL HEAD
HDFC BANK LTD. UJJAL ARCADE
GROUND FLOOR
M.C. ROAD
CHENIKUTHI BUS STOP
GUWAHATI
ASSAM- 781003.

3:THE STATE OF GUJARAT
REPRESENTED BY ITS SECRETARY
HOME DEPARTMENT
HOME DEPARTMENT
BLOCK NO. 2
3RD FLOOR
NEW SACHIVALAYA
GANDHINAGAR
GUJARAT PIN-382010.

4:STATION HOUSE OFFICER

POLICE STATION CYBER CRIME
KHEDA
MVW4 PLUS VRM NADIAD
GAJARAT 387001.

5:THE STATE OF TELANGANA
REP. BY ITS SECRETARY
HOME DEPARTMENT
HOME DEPARTMENT III FLOOR
A BLOCK
TELANGANA SECRETARIAT
HYDERABAD-500022.

6:STATION HOUSE OFFICER

CYBER CRIME
HYDERABAD CITY 5-10-196
LB STADIUM RD
BAND COLONY
ADARSH NAGAR
HYDERABAD
TELANGANA 500029.

7:THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY MINISTRY OF HOME AFFAIRS
MHA NORTH BLOCK GOVT. OF INDIA
NEW DELHI-110001

8:INDIAN CYBER CRIME
COORDINATION CENTRE 14C 5TH FLOOR NDCC II BUILDING JAI SINGH ROAD
NEW DELHI-1100

Advocate for the Petitioner : MR. A K AZAD,

Advocate for the Respondent : DY.S.G.I., MR. P SARMAH(R1,2),R BASUMATARY(R1,2),MR R CHAKRAVORTY(R1,2)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 13-07-2026

Heard Ms. B.C. Bezbaruah, learned counsel for the petitioner; Mr. R. Chakraborty, learned counsel for the respondent nos. 1 & 2; and Mr. A.K. Dutta, learned counsel for the respondent no. 7.

2. In this writ petition instituted under Article 226 of the Constitution of India, the petitioner has assailed an action on the part of the respondent HDFC Bank Limited authorities in freezing the petitioner's Current Bank Account no. 50200026001871, which the petitioner has been maintaining at K.B. Road Branch, Jorhat, Assam of the respondent HDFC Bank Limited. It is the case of the petitioner that the petitioner had a deposit of more than Rs. 18,00,000/- in the said Current Bank Account and due to an allegedly suspicious transaction/credit of Rs. 310/-, the entire Bank Account has been kept debit freezed by the respondent authorities.

3. Notice was issued to the respondent authorities including the respondent nos. 1 & 2 on 29.04.2026.

4. Mr. Chakraborty has submitted that it was in view of receipt of a number of complaints regarding suspicious transactions in the Current Bank Account of the petitioner, the Current Bank Account was put in debit freeze condition w.e.f. 20.01.2026. Mr. Chakraborty has submitted that three number of complaints were received in relation to suspicious transactions in the Current Bank Account of the petitioner. One of the complaints was received from the Cyber Crime Police Station, Andhra Pradesh NTR Commissionerate. He has submitted that the issue raised in the complaint received from Cyber Crime Police Station, Andhra Pradesh NTR Commissionerate has since been settled. In so far as the other two complaints received from the State of Gujarat are concerned, a Communication dated 11.06.2026 has been received from the Superintendent of Police, Cyber Centre of Excellence, Gandhi Nagar, Gujarat wherein an instruction

to keep a lien over a sum of Rs. 330/- has been communicated.

5. In the affidavit-in-opposition filed by the respondent nos. 1 & 2, it is averred that on 11.06.2026, the Bank through its Centralized LEA Department had received an e-mail along with a notice from the Superintendent of Police, Cyber Centre of Excellence, Gandhi Nagar, Gujarat with an instruction to the Bank to mark a lien for an amount of Rs. 330/- and to release the remaining amount in the petitioner's Current Bank Account no. 50200026001871.

6. Having heard and considered the submissions made by the learned counsel for the parties, this Court is of the considered view that the action of the respondent Bank in keeping the Bank Account of the petitioner freezed is not sustainable to the extent that it exceeds the scope of direction received from the Investigating Authority from the State of Gujarat. The power exercised by the respondent Bank is not an independent power. The Banks apart from implementing the directions made by the Investigating Authorities, also act as the custodian of the Bank Accounts.

7. Having considered the entire aspects of the matter, the writ petition is allowed to the extent that the debit freeze/withhold instruction made by the Investigating Authority for the amount of Rs. 330/- is to be executed by the respondent HDFC Bank Limited authorities, by keeping a lien over the said amount of Rs. 330/-. Meaning thereby, the respondent HDFC Bank Limited authorities shall restrict freezing order operative over the petitioner's Current Bank Account no. 50200026001871 only to the extent of Rs. 330/- and the petitioner is to be allowed to operate the Bank Account in respect of the balance

amount lying credited thereof, subject to any further direction made by any competent authority permissible under the law.

8. With the observations made and direction made above, the writ petition is allowed to the extent indicated above. No cost.

JUDGE

Comparing Assistant