

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CRM(M) 436/2021

CrIM(1442/2021)

CrIM(1443/2021)

**ABDUL GANI MIR AND ORS.**

...Petitioner(s)

Through:       None.

**Vs.**

**OFFICER IN CHARGE AND  
ORS.**

...Respondent(s)

Through:       Mr. T. M. Shamsi, DSGI with  
                    Ms. Bisma Ali, Advocate.  
                    Mr. Ishfaq Muzamil Nehvi, Advocate.

**CORAM:**

**HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE**

**ORDER**

**07.08.2026**

1. There is no representation on the part of the petitioners. Same was the case on last three consecutive hearings before the court.
2. Through the medium of the instant petition, the petitioners have sought relief of quashment/setting aside of the orders dated 01.03.2021 and 10.09.2021 passed by the Court of learned Special Judge Anti-Corruption (CBI Cases), Kupwara, (hereinafter referred to as "the Special Court" for short), in their applications, in case titled **"CBI-ACB, Srinagar v/s Shariq Hussain Khan"**, whereby they allege to have not been allowed to operationalize their personal bank accounts lying with the Respondent No. 2 and to withdraw the money lying in the same.

3. A regular case RC No. 01(A)/2020 came to be registered by CBI-ACB Srinagar on the complaint/report lodged by one Farhan Gul, Senior Manager Audit Inspection and Vigilance, Office of General Manager, J&K Grameen Bank, Sopore. In the report, it was alleged that one Shariq Hussain Khan, Office Assistant, having employee code 8148, at J&K Grameen Bank, Branch Khymriyal, during his posting misappropriated the funds of the Bank to the tune of Rs. 1.33 Crore, by tampering, insertions and manipulation with the computer system of the bank and other documents.

During the investigation of the case, the commission of the offences punishable under Section 5(1) (c) (d) read with Section 5 (2) of the P.C. Act, 2006 and Sections 409, 420, 471 RPC read with Section 65 of the I.T. Act 2000, was established against the accused Shariq Hussain Khan. That the final report was also filed in the court.

The personal bank accounts of the present petitioners came to be frozen by the respondent-Bank as the accused was found to have misappropriated the huge money of the Bank and credited the same into the personal account numbers of various borrowers of the bank including that of the present petitioners.

Some borrowers including the petitioners filed applications before the learned Special Court seeking release/defreezing of their personal accounts with the further liberty to allow them to withdraw money out of their own accounts.

4. The learned Special Court after hearing the said applications (two in number) disposed of the same through the impugned orders dated 01.03.2021 and 10.09.2021. As per the said impugned orders, the learned Special Court defreezed the personal accounts of the applicants in the two applications including the present petitioners with liberty to them to operate their accounts and to withdraw the money therefrom except to the extent of doubtful/fraudulent transactions that had been made by siphoning money from the account of one Tahira Begum-account holder.
5. It is submitted by learned counsel for the respondents that the petitioners personal accounts stand already defreezed through the impugned orders with liberty to them to operate their said accounts and to also withdraw the money therefrom except to the extent of doubtful/fraudulent transaction amounts.
6. It is the case of the Investigating Agency that the accused who was an employee of the Bank and posted as Office Assistant with employee code 8148 at J & K Grameen Bank, Branch Khymriyal, during his posting, as such, misappropriated the funds of the Bank to the tune of Rs. 1.33 Crore, by tampering, insertions and manipulation with the computer system of the Bank and other documents.

The trial in the main case is reported to be at the stage of consideration of framing of charge. The petitioners are not the accused in the case but the accused-Shariq Hussain Khan is alleged to have transferred the public money of the Bank into the personal

account nos. of different account holders including the petitioners. It was the case of the petitioners before the learned Special Court while filing the release applications, giving rise to impugned orders, that they are illiterate rustic villagers and are not aware of the alleged transactions.

7. As hereinbefore mentioned, there has been no representation in the case on the part of petitioners since last three consecutive hearings and on today as well. The impugned orders appear to be well within law and a case of abuse of process of law or of injustice does not appear to be made out in the facts and circumstances of the case. The petitioners have been permitted to operate their personal bank accounts and to withdraw the money therefrom except to the extent of doubtful/fraudulent transactions.
8. The impugned orders are in the nature of being interim/temporary and the learned Special Court is within its powers during and/or at the conclusion of the trial of the case to pass appropriate orders regarding the doubtful transaction amounts on the basis of the evidence.
9. The instant petition is accordingly, **dismissed**, as meritless.

**(MOHD YOUSUF WANI)**  
**JUDGE**

**SRINAGAR**  
**07.08.2026**  
"Hilal Ahmad"