



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.90 of 2025

Sanjay Kumar Sa

....

Appellant

Mr. Anupam Rath, Advocate

-Versus-

**Branch Manager, State Bank of
India, Balasore and Ors.**

....

Respondents

Mr. D.K. Mohapatra, Advocate
for Respondent No.1

Mr. R. Mohapatra, Advocate
for Respondent Nos.2 to 4

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

22.07.2026

Order No.

06.

1. Heard Mr. Rath, learned counsel for the appellant, Mr. Mohapatra, learned counsel for respondent No.1 and Mr. R. Mohapatra, learned counsel for respondent Nos.2 to 4.

2. Instant appeal under Section 100 CPC is preferred by the appellant assailing the impugned judgment and decree dated 6th January, 2025 in R.F.A. No.86 of 2019 passed by learned 3rd Additional District Judge, Balasore confirming the decision dated 18th April, 2019 of learned Senior Civil Judge, Nilgiri in C.S. No.98 of 2016 on the grounds stated.

3. Recorded the submissions of learned counsel for the respective parties.

4. The appellant as plaintiff instituted the suit in C.S. No.98 of 2016 against the respondents seeking a decree



declaring that he is entitled to operate his own account bearing No. 20078082995 maintained with respondent No.1 besides such other reliefs sought for therein.

5. The suit in C.S. No.98 of 2016 was disposed of and dismissed by the learned Senior Civil Judge, Nilgiri by judgment dated 18th April, 2019. Upon dismissal of the suit, the appellant filed RFA No.86 of 2019 and it was also dismissed by judgment dated 6th January, 2025 of learned 3rd Additional District Judge, Balasore. Being unsuccessful, the appellant has preferred the present appeal challenging the impugned decisions of the learned courts below.

6. Mr. Rath, learned counsel for the appellant would submit that the account of the appellant has been freezed by respondent No.1 since 2013. The further submission is that no evidence was adduced from the side of respondent No.1 in the suit about any such criminal case pending in a Court in the State of Gujarat to justify freezing of the account in question, when it had received intimation to do so from Satellite P.S, Ahmadabad, Gujarat. The further submission is that in absence of any such case registered at the behest of respondent No.4 and without any such evidence led from the side of respondent No.1, the learned courts below could not have dismissed the suit and the appeal. While claiming so, Mr. Rath, learned counsel refers to the deposition of respondent No.1 as at Annexure-3 in the suit. The submission is that save and except a copy of the letter received from the OIC, Satellite P.S.,



Ahmadabad, Gujarat, no other evidence was adduced by respondent No.1 to justify and continuation of the freezing of the account. The contention is that the learned Courts below fixed the onus on the appellant while dismissing the suit and confirming the decision therein in the appeal, hence, therefore, the same are liable to be interfered with and set aside.

7. Mr. Mohapatra, learned counsel for respondent No.1, on the other hand, submits that on an intimation received from the P.S. concerned as per Ext. A in the suit, the account of the petitioner was freezed. It is further submitted that the appellant, instead of approaching the jurisdictional court in the State of Gujarat, instituted the suit, which is not maintainable, hence, liable to be dismissed. Mr. Mohapatra, learned counsel for respondent No.1 would further submit that the leaned Courts below rightly declined the decree in the suit and also dismissed the appeal considering the evidence on record.

8. This Court, considering the grounds of appeal by order dated 6th February, 2026 formulated the following substantial questions of law summarized below:

- (i) Whether, the judgments and decrees passed by the learned Trial Court as well as learned 1st Appellate Court refusing the prayer of the Appellant/Plaintiff to direct the Branch Manager, State Bank of India, Nilgiri Branch in the District of Balasore to operate the Bank Account vide S.B.I.



Account No.20078082995 of the plaintiff after defreezing the same are sustainable under law?

(ii) Whether, the freezing of the bank account vide S.B.I. Account No.20078082995 of the Appellant/Plaintiff in the State Bank of India, Nilgiri Branch in the District of Balasore since 2013 till yet without defreezing the same only on the basis of an F.I.R. lodged at the Satellite Police Station, Ahmadabad, Gujarat without any other material is sustainable under law?

9. Gone through the written note of submission filed on behalf of respondent No.1.

10. The contention of Mr. Rath, learned counsel for the appellant is that without a case registered in the State of Gujarat, even though a complaint was received from respondent No.4, any such decision of the learned Courts below dismissing the suit and the appeal is not legally tenable. Referring to the evidence adduced from the side of respondent No.1, in particular, the contention of Mr. Rath, learned counsel for the appellant is that the learned Senior Civil Judge, Nilgiri could not have saddled the onus on the appellant and similarly, the learned court below while disposing of the appeal fixing the onus on him instead of respondent No.1. Mr. Mohapatra, learned counsel for respondent No.1 refers to a decision of the Apex Court in **State of Maharashtra Vrs. Tapas D. Neogy (1999) 7 SCC 865** to submit that the Bank was well within its



powers to seize the account of the appellant upon receiving an intimation from the concerned P.S. In reply to the above, Mr. Rath, learned counsel would submit that no doubt any such jurisdiction under Section 102 Cr.P.C. is exercisable in order to make seizure of an account but no evidence was on record received from the side of the respondent No.1 to show that upon a complaint received from respondent No.4, a criminal case was registered. The contention is that rather the onus is on respondent No.1 to prove and establish that the account was seized on the basis of such intimation with a criminal case registered against the appellant in the State of Gujarat.

11. On a reading of the decision in **Tapas D. Neogy** (supra), an account in a Bank is a property and hence, amenable to the jurisdiction exercised under Section 102 Cr.P.C. The settled position of law is that even an account may be seized being a property within the definition of Section 102 Cr.P.C. Mr. Rath, learned counsel for the appellant submits that though the power is exercised under Section 102 Cr.P.C. but upon such seizure, the P.S. concerned is to intimate the Court having competent jurisdiction to deal with the same.

12. Turning back to the evidence on record and upon perusal of the deposition of the Branch Manager, SBI, Nilgiri examined as D.W.1 from the side of respondent No.1, this Court finds that the account of the appellant was freezed in view of the intimation received vide Ext. A, but in the cross-examination, admitted that except such intimation, no other



document was available with the Bank. It is also admitted by D.W.1 that no other information was available with the concerned branch of the Bank regarding money laundering activities or financing to enhance the illegal activities by the appellant while operating the account. As such no evidence is adduced through D.W.1 to show that any criminal case has been registered in the State of Gujarat upon such complaint of respondent No.4. Considering the evidence of D.W.1, it is found that the seizure of the account of the appellant has taken place pursuant to Ext. A. No further evidence has been adduced by respondent No.1 to substantiate if any criminal case was ever registered consequent upon the complaint of respondent No.4. In such view of the matter, considering the facts pleaded by both sides and submissions of learned counsel for the respective parties with reference to the evidence on record, this Court is of the humble view that it was for respondent No.1 to establish through evidence about any such criminal case registered after the complaint of respondent No.4. It was not right or justified rather on the part of learned Senior Civil Judge, Nilgiri to fix the onus on the appellant neither it was for the learned court below. In absence of any such evidence on record especially from respondent No.1, the decision of learned Courts below with the onus fixed upon the appellant is indefensible.

13. One of the issues in the suit was whether the appellant is entitled to operate his account maintained in the State Bank of India, Nilgiri Branch, Nilgiri and if at all, such freezing of



the same is justified. No doubt such an intimation was received by respondent No.1 but no evidence was led through D.W.1 to show that the freezing of the account has taken place with a criminal case registered. At the cost of repetition, it is therefore held and concluded that the learned Senior Civil Judge, Nilgiri was wrong to hold that the onus is on the appellant while demanding defreezing the account. The learned court below equally fell into error in not appreciating the evidence on record to reach at a conclusion while confirming the decree of the suit.

14. In fact, an affidavit is filed by respondent Nos.2 to 4 as at Flag-B. Such an affidavit is filed on 10th July, 2026 stating therein that respondent Nos.2 to 4 do not have any objection if the account of the appellant maintained in SBI, Nilgiri Branch, Nilgiri is defreezed. It is made to suggest that the parties have had a compromise in the meantime. Irrespective of any such settlement reached at and influenced by it, considering the evidence on record, this Court reaches at an irresistible conclusion that it was for respondent No.1 to discharge the onus and to prove that the account was rightly freezed and continued to remain so for a valid reason with any such criminal case registered against the appellant. In absence of such evidence before the learned Senior Civil Judge, Nilgiri or even before the Court of Appeal, it has to be concluded that the judgment and decree under challenge cannot be sustained, hence, liable to be interfered with and set at naught.



15. Accordingly, it is ordered. The substantial question of law formulated by the Court stand answered as a result.

16. In the result, the second appeal stands allowed. As a necessary corollary, the impugned judgments in C.S. No.98 of 2016 and RFA No.86 of 2019 are hereby set aside. As a consequence, whereof, with the suit being decreed, it is directed that respondent No.1 shall defreeze the account in order to facilitate the appellant to operate the same and necessarily release the amount lying therein in his favour with accrued interest.

17. In the circumstances, there is no order as to the costs.

18. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: OHC, CUTTACK
Date: 24-Jul-2026 13:10:31

