



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 33392 OF 2024 (GM-RES)

BETWEEN:

SRI. KRISHNA UDUPA
S/O. SRI PARMESHWARA UDUPA,
AGED ABOUT 72 YEARS,
R/AT NO.137, AICOBOO NAGAR,
13TH MAIN ROAD, 2ND CROSS,
BTM LAYOUT, 1ST STAGE,
BENGALURU 560 068.
AADHAAR NO.

...PETITIONER

(BY SRI. SRI MALLAPUR RAO.,ADVOCATE)

AND:

THE SUPERINTENDENT OF POLICE
BS AND FB, BANGALORE CENTRAL BUREAU
OF INVESTIGATION (CBI),
NO.36, BELLARY ROAD, 2ND FLOOR,
CBI COMPLEX, GANGA NAGAR,
BENGALURU - 560 032

...RESPONDENT

(BY SRI. PRASANNA KUMAR P., ADVOCATE)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR IN THE LIKE NATURE OF DIRECTION, DIRECTING THE RESPONDENT CONSIDER THE REPRESENTATION DTD 28.10.2024, VIDE ANNEXURE-D AS TO DEFREEZE THE BANK DEPOSIT OF THE PETITIONER TOTALLING TO A SUM OF RS. 2,38,00,000/- (RUPEES TWO CRORE THIRTY-EIGHT LAKHS ONLY) AND DIRECT THE CONCERNED BANK AUTHORITIES TO RELEASE THE SAME TO THE PETITIONER AND ETC.



THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this Court seeking for the following reliefs:

- a) Issue a writ of mandamus or in the like nature of direction, directing the respondent to consider the representation dated 28.10.2024, vide Annexure-E, as to defreeze the bank deposit of the petitioner totalling to a sum of Rs.2,38,00,000/- (Rupees Two Crore Thirty-Eight Lakhs Only) and Bank interest accrued thereon and direct the concerned bank authorities to release the same to the petitioner, in the interests of justice; and*
- b) Pass such other or further orders as this Hon'ble Court may deem fit in the facts and circumstances of this case, in the interest of justice and equity.*

2. The account of the petitioner was debit frozen by the CBI on account of proceedings being initiated by CBI in FIR No.11/2019, for offences under Section 120B read with Section 420, 467, 468, 471 of the IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.



3. Initially, when the matter was pending, when the petitioner wanted to withdraw certain amounts, he had approached the Hon'ble High Court of Judicature at Madras in Criminal R.C.No.1206/2020, when the petitioner was permitted to withdraw a sum of ₹25,00,000/- by providing necessary surety. The Hon'ble Madras High Court had categorically directed the respondent-CBI to conclude the investigation with respect to the source income as expeditiously as possible, preferably within a period of 6 months from the date of receipt of a copy of the order.
4. Despite a period of 6 months having lapsed from the date of passing of the order i.e. 31.03.2021, the investigation was not completed. The petitioner had filed proceedings under Section 482 of the Criminal Procedure Code in Criminal Petition No. 8654/2024, which came to be allowed by a co-ordinate Bench of this court vide Order dated 20.09.2024 and the proceedings in FIR No.11/2019 registered by the CBI



in so far as it relates to the petitioner was quashed. Thereafter the petitioner has made representation on 28.10.2024 for defreezing his account and permitting the petitioner to withdraw the amounts. Despite the representation having been submitted on 28.10.2024, shockingly the respondent has not bothered to even reply to it or pass any orders on it. It is in that background that the petitioner is before this court seeking for the aforesaid reliefs.

5. The submission of learned counsel for the respondent today is that the Serious Fraud Investigating Office [SFIO] is still investigating the matter, due to pending investigation if the petitioner were to withdraw any monies, it cannot be recovered and that insofar as the order in Criminal Petition No.8654/2024 is concerned, there is Special Leave Petition No.9381/2024, which is still pending. Admittedly there is no stay of the order passed in Criminal Petition No.8654/2024.



6. The pendency of the SLP cannot be a ground for the CBI to continue to debit freeze the account of the petitioner, when the criminal proceeding initiated by the CBI has already been quashed.
7. Insofar as the contention that SFIO is still investigating the matter, it is for the SFIO to take up the matter and do what is required by the SFIO. The CBI cannot act on behalf of the SFIO and continue the debit freeze.
8. Both the contentions addressed by the counsel for the respondent are not sustainable, hence, stand rejected. As such, this court passes the following:

ORDER

- i. The writ petition is allowed.
- ii. A mandamus is issued directing the respondents to consider the representation dated 28.10.2024 in light of the aforesaid observation and defreeze the bank account of the petitioner within a period of ten days from



the date of receipt of the copy of the order by obtaining such necessary documents as may be required.

- iii. In the event of the CBI succeeding in the SLP, they would be at liberty to initiate such proceedings as may be available.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

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List No.: 2 Sl No.: 6