

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9079 of 2014

Matipe Wimalasara Thero son of W.K. Sumanaratna resident of 1847, Crenshaw Blvd, Los Angeles, CA 90019 (USA) at present residing at Hotel Mahayana, P.O. and P.S. Bodh Gaya, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Superintendent of Police, Gaya.
2. The Deputy Superintendent of Police, Bodh Gaya, Gaya.
3. The Indian Overseas Bank, Gaya Branch Office, Swaraj Puri Road, Gaya through its Branch Manager.
4. The Senior Superintendent of Police, Gaya.

.... Respondents

Appearance :

For the Petitioner : Mr. Gautam Kumar Kejriwal, Advocate
For the Bank : M/s. Sheela Sharma and
Shivendra Kumar Roy, Advocates
For the State : Mr. Arvind Kumar, A.C. to S.C.28

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-02-2015

Learned counsel for the petitioner is permitted to implead the Senior Superintendent of Police, Gaya as respondent no.4.

I have heard learned counsel for the petitioner and the Indian Overseas Bank.

The petitioner seeks direction to the Indian Overseas Bank, Gaya to allow the petitioner to operate his Savings Bank Account No.1508 at Gaya Branch which has remained inoperative in view of the instruction given by the Dy. S.P., Bodh Gaya in connection with Bodh Gaya P.S. Case No.27

of 2002.

Learned counsel for the petitioner submits that there is no reason now for keeping the aforesaid account of the petitioner freezed as a judgment of acquittal has already been passed by a competent court in favour of the petitioner in the trial arising out of aforesaid police case. A copy of the judgment has been appended as Annexure-5.

Unfortunately, the State, though indulgence was granted on 09.02.2015, has not been able to file any counter affidavit till date. Learned counsel appearing for the Bank has submitted that the concerned Thana Incharge has written a letter stating that the petitioner can now be allowed to operate his account, however, no affidavit has been filed on behalf of the Bank also.

In such a situation, this writ application is being disposed of with a direction to the respondent no.4 to examine this matter and in case the account concerned was freezed on account of pendency of Bodh Gaya P.S. Case No.27 of 2002 in which judgment of acquittal has already been passed by a court of competent jurisdiction, he would be required to issue instruction to the concerned Bank allowing the petitioner to operate the account concerned, if the same has already not been

done, within a period of two weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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