

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 635 of 2016

Krishna Nand Swami S/o. Chandrabhan Swami, Aged About 73 Years R/o. B- F-1,
Archana Vihar, Gandhi Nagar, P.S. Civil Lines, District Bilapur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs,
Mahanadi Bhawan, Mantralaya New Raipur, Raipur (Chhattisgarh)
2. Superintendent Of Police, State Economic Offences Wing, Anti - Corruption
Bureau, Office Of Superintendent Of Police, Anti Corruption Bureau, Raipur
(Chhattisgarh)
3. Investigation Officer (Crime No. 56 Of 2014), Anti- Corruption Bureau, Office Of
Superintendent Of Police, Anti Corruption Bureau, Raipur (Chhattisgarh)
4. Central Bank Of India, Through Branch Manager, Khalesar Branch, Umaria,
District Umaria (Madhya Pradesh)

---- Respondents

Shri Chandresh Shrivastava, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State.
Shri Akhilesh Mishra, counsel for respondent No.4.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/04/2016

This petition has been filed by the petitioner seeking a direction for release of his bank account.

2. It is submitted that in the matter of investigation on the allegation of commission of economic offence by the son of the petitioner, respondent No.3 informed respondent No.4 to freeze the account of the petitioner. It is submitted that the petitioner is a pensioner and at the time of freeze, only Rs.30,000/- was lying in the account. As the account has been freezed and the petitioner is a pensioner, he is unable to operate his account. It is also submitted that later on, investigation is completed against the son of the petitioner and charge sheet has

also been filed and the petitioner is neither an accused nor a witness and therefore, in these circumstances, there is absolutely no reason in keeping his account freezed.

3. On the other hand, learned counsel for the respondent / State submits that the Investigating Officer duly exercised his power under Section 102 (3) of CrPC directing freezing his account only on account of serious allegations against the son of the petitioner who is alleged to have committed offence under Section 13 (1)(d) and Section 13 (2) of Prevention of Corruption Act. He, however, submits that at this distance of time as is referred to para 2 of the return, the respondents no longer have any objection in granting relief which has been sought by the petitioner.

4. Learned counsel for the bank does not oppose the prayer of the petitioner and submits that the bank has no objection if the account of the petitioner is released.

5. It appears that on account of investigation against the son of the petitioner, bank account of the petitioner was freezed. The petitioner is a pensioner. Learned State counsel could not bring to the notice of this Court any material warranting such order to remain operative when the charge sheet has been filed against the son of the petitioner and there is nothing brought to the notice of this Court by the State counsel to show that operation of the account, in any manner, involved in criminal case registered against petitioner's son.

6. In view of the stand which has been taken by the State in this petition, it is clear that the order freezing account of the petitioner is no longer necessary. The Investigating Officer is directed to make necessary communication to the bank within two weeks for releasing the account of the petitioner and the bank shall act accordingly. Petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge