

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.484 of 2016

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KMJ Land Developers India Ltd. a company incorporated under the provisions of the Company Act 1956 having its registered office at 10, fortune Plaza City Center, Madhav Rao Scindia Road, Gwalor, Madhya pradesh , represented by its Director Kanchan Kushwah aged abut 30 years Wife of Mr S.L. Rathore, Resident of D-2, Ashirwad Enclave Shankuntla PUri Gwalior (M.P) police Station thatipur District Gwalior.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Old Secretariat, Patna
2. The Home Secretary, Govt. of Bihar, Patna
3. The Senior Superintendent of Police, Patna
4. The Station House Officer, Gandhi Maidan , Patna
5. The Investigating officer, Gandhi Maidan Patna.
6. Branch Manager, ICIC , Banak Uttam Nagar New Delhi 59.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Respondent/s : Mr. Gp17-Binod Ji Verma

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

16. 17-09-2018

Heard learned counsel for the parties and perused the record.

This application has been preferred seeking a direction to the respondent authorities to produce the letter issued in connection with Gandhi Maidan P.S. Case No. 471 of 2013 by which it had issued prohibitory order restraining the ICICI Bank Uttam Nagar, New Delhi from allowing the petitioner company from operating its two current accounts.

A prayer is also made to quash the letter dated 24.06.2014 issued by the respondent Branch



Manager, ICICI Bank, Uttam Nagar, New Delhi whereby the aforesaid two accounts have been marked 'freeze' and the reason for freezing the marking is Gandhi Maidan P.S. Case No. 471/2013.

Learned counsel representing the petitioner submits that the freezing of the account by the police officer is in complete violation of the provision as contained under Section 102(3) of the Code of Criminal Procedure. It is submitted that an application seeking de-freezing of the account has been filed in the court of learned Judicial Magistrate seeking release of the account but no order is being passed thereof for more than one year on the ground that it is not a property *custodia legis*. In course of exchange of pleadings what has transpired to this court is that according to the State respondents the petitioner is not receiving the police paper and is delaying the trial of the case.

It is submitted that the fact that the bank account of the petitioner have been freezed is well informed to the learned court below. In this connection reference is being made to the information available in the case diary submitted by the police.

Learned counsel has controverted the allegation of the State that the police paper is not being received. It is stated that the police papers were taken long



time back and the petitioner never avoided to receive the police papers. It is submitted that a discharge petition has been filed in the court below which is pending consideration. Submission is that the accounts have been freezed on mere suspicion and till date no material has been placed on the record showing any connection between the bank accounts and the alleged commission of offence.

In the facts and circumstances stated hereinabove, this court is of the considered opinion that the court below where the application for de-freezing of account is pending must take a decision after hearing the parties in accordance with law.

Since all the materials are now available on record of the court below, this court instead of exercising its extraordinary writ jurisdiction in the facts and circumstances of the case would direct the court below to consider the application and dispose it of within a period of 30 days from the date of receipt/production of a copy of this order.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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