HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2476 of 2018

- Anand Agrawal S/o Late Om Prakash Agrawal Aged About 42 Years R/o Timber Market Fokatpara Chowk ,fafadih ,police Station Devendra Nagar Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer ,police Station Devendra Nagar Raipur Chhattisgarh
2. Special Crime Investigation Cell Raipur Through Its Incharge Officer Kalibadi Road District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manish Nigam, Advocate
For Respondent/State	:	Shri R.K. Bhagat, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/03/2019

1. Heard.

2. The instant petition is against the order dated 10.11.2016 passed by the Fourth Additional Sessions Judge, Raipur, in Criminal Revision No.283/2016, whereby the order of the trial Court wherein the offence in Crime No.180/14 under Sections 420, 467, 468, 471, 120-B read with Section 34 IPC and also under Sections 3 & 7 of the Essential Commodities Act which is pending, the application to operate the account has been dismissed.

3. Learned counsel for the petitioner would submit that as per the Annexure A-2 which is a letter dated 02.01.2015 a communication was made to the Branch Manager, Indian Overseas Bank that in crime No.180/2014, till the investigation is going on, the operation in the account which pertains to the petitioner may not be allowed. He further submits that there is nothing on record to show that there has been nexus of the bank account with the alleged crime. It is stated that the alleged offence has not been committed by the present petitioner and freezing of the account since 2015 will not yield any result, neither it is an essential evidence of the prosecution and there is no evidence to show that any profit out of alleged crime has been deposited in the account to allow the freeze of operation of the account. He further submits that the charge-sheet has been filed consequently direction dated 02.01.2015 by the investigating agency to the Bank has automatically come to an end.

4. Learned State counsel has not filed the reply despite several opportunities granted.

5. Perused the document Annexure A-2 the communication made by the special Investigation cell to the Branch Manager, Indian Overseas Bank, whereby it was directed that the account of the petitioner may be freezed. The letter of communication is dated 02.01.2015 and end of the letter it is specifically written that the operation in the account should not be allowed till the investigation is completed. It is not disputed that the charge-sheet in this case has been filed before the Court, consequently, the fact that the investigation is complete can be inferred. In terms of the letter, therefore, since it is stated that till the

investigation is carried out, the operation in the account may not be operated with the filing of the charge-sheet, it automatically has come to an end. In the result, further freezing of the account cannot be permitted in terms of the letter dated 02.01.2015. In a result, the petitioner is allowed to operate his bank account which is lying in Indian Overseas Bank, which was freezed pursuant to the letter dated 02.01.2015.

6. Accordingly, the petition is allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu