

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4358 OF 2018

Abhishek Avinash Kulkarni and Another. ..Petitioners.

Versus

State of Maharashtra. ..Respondent.

Mr. Aniket Nikam for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 2, 2019.**

P. C. :

1. The Petitioner is seeking direction to the Economic Offences Wing, Nashik to defreeze the Petitioner's bank accounts, details of which are given in prayer clause (a) of the petition. The sole grievance of the Petitioner is that said accounts are seized / freezed by issuing notice under section 91 of Code of Criminal Procedure, 1973.

3. There are three notices issued by the Inspector of Police, EoW, Nashik City, all are dated 14th September 2018 and addressed to the Manager, Bank of Maharashtra, branch : Tilak Road, Nashik. First two notices are purported to be issued under section 91 of Code of Criminal Procedure, 1973. Third notice, however, does not refer to any provision of law. Though the subject of first and second notice is "furnishing the information in respect of the bank accounts of the

Petitioners”, in clause No. 4 of the said notice, instructions are given to the bank manager to freeze the Petitioner's bank accounts. By the third notice, the manager is informed to stop all transactions from the said bank account.

4. When we asked learned APP – Mr. S. R. Shinde – how would he justify these instructions to freeze the bank accounts, he fairly conceded that these notices are not issued under section 102 of Code of Criminal Procedure, 1973. Upon taking instructions from the officer concerned - Mr. S. G. Damble, he also stated that the said notices would be withdrawn with immediate effect and the manager of the banks will be instructed to de-freeze the bank accounts of the Petitioners.

5. In the light of above statement made by learned APP, the grievance of the Petitioner as raised in the petition no more survives. Writ petition is, therefore, disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]