

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 50 OF 2020

NARENDRA CHANDRAKANT DESAI., ... Petitioner

Versus

STATE OF GOA, THR. CHIEF
SECRETARY AND 3 ORS., ... Respondents

Shri Vibhav Rajiv Amonkar, Advocate for the petitioner.

Shri M. Amonkar, Addl. Public Prosecutor for the respondents no.1 to
3.

Shri T. Vaz, Advocate for the respondent no.4.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 25th February 2020

P.C.

One person committed suicide. But when he was alive, he issued two cheques to the petitioner, who encashed them in the due course. Later, because of the suicide, the police launched investigation. As part of investigation, the police seem to have attached the petitioner's account with the fourth respondent bank.

2. As the petitioner's current account has stood frozen, he could not transact in that account. Aggrieved, the petitioner has filed this Criminal Writ Petition. In response to the submissions advanced by the petitioner's counsel, the learned Additional Public Prosecutor has informed the Court that the amount in dispute is Rs.12.5 lakhs. If the petitioner, as his counsel has undertaken now, places the amount in a fixed deposit, the police will have no objection to allow the petitioner to

operate his account.

3. On the other hand, the learned counsel for the fourth respondent bank has submitted that the bank has faithfully complied with directions issued by the investigating authority. It has no independent say in the matter.

4. Indeed, the police may have been concerned with the amount covered by the two cheques the petitioner is said to have received from the person who committed suicide. If the amount covered by those two cheques is secured, I see no ground why the petitioner's current account should be kept frozen or attached. In fact, the learned APP has suggested a fair way out of this logjam.

5. Under those circumstances, I dispose of this writ petition holding that if the petitioner places Rs.12.5 lakhs in a fixed deposit and hands over the receipt to the police, they will withdraw their communication to the bank about freezing the petitioner's account. That communication received, the Bank will act on it and allow the petitioner to carry on his banking operations in his current account. The encashment of the FDRs will depend on the outcome of the pending criminal case.

DAMA SESHADRI NAIDU, J.