

MAT 783 of 2021
With
CAN 1 of 2021
Local Cube Private Limited & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Suddhasatva Banerjee
Mr. Ashis Kr. Mukherjee
Mr. Sourojit Dasgupta
Mr. Saurabh Prasad

... ... for the appellants

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... ... for the State

This appeal is directed against the order of the learned Single Judge dated 18.06.2021 passed in WPA No. 8611 of 2020 whereby the learned Single Judge has declined the prayer of the appellants for lifting the order of freezing the bank account.

Record reveals that the appellants have approached the learned Single Judge by challenging the letter dated 29th July, 2020 in respect of freezing of his bank account.

Submission of the learned counsel for the appellants is that for a sum of ₹54,000/- (Rupees fifty four thousand only) his entire bank account containing an amount around ₹50,000,00/- (Rupees fifty lakh only) has been frozen and his business is suffering.

Learned counsel for the respondents has supported the order of the learned Single Judge and has submitted that since investigation in the criminal case is pending and there is likelihood that the bank account may

contain the proceeds of other crime, defreezing is not possible.

Having examined the record, we have noticed that the learned Single Judge has kept the writ petition pending by permitting the parties to file affidavit-in-opposition and affidavit-in-reply and also granted liberty to mention.

It is pointed out that the investigation is still pending. Learned counsel for the respondents has not been able to inform as to how long will the concerned authority take to conclude investigation. It is also pointed out that the investigation has been started in July, 2020 and thereafter substantial time has lapsed. Therefore, every endeavour should be made by the concerned respondent to complete the investigation without any unnecessary delay.

It has been stated before this Court that affidavit-in-opposition and affidavit-in-reply have been filed in the writ petition.

The writ petition itself can now be heard finally. Hence, we are of the opinion that the appellants should exercise the liberty to mention, granted by the learned Single Judge in the order under appeal.

We express hope that if such a mention is made by the appellants, learned Single Judge will consider the prayer and hear the petition itself expeditiously having regard to the nature of dispute involved.

With the aforesaid, we dispose of the appeal without interfering in the order of the learned Single Judge.

The appeal being MAT 783 of 2021 along with CAN 1 of 2021 are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)