

OD-4

ORDER SHEET

WPO/1275/2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

NANDANAVANAM SRINIVAS REDDY
Versus
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : December 16, 2021.

[Via video conference]

Appearance:

Mr. Krishna Raj Thakkar, Adv.

Mr. Vikas Baisya, Adv.

Mr. Sourojit Dasgupta, Adv.

Mr. S. Mal, Adv.

For the petitioner.

Mr. Daanish Haque, Adv.

Mr. Danish Taslim, Adv.

Md. Zohaib Ravi, Adv.

Mr. Abdul Zahid, Adv.

For the respondent no. 4.

Mr. Manoj Malhotra, Adv.

Mr. Sagnik Chatterjee, Adv.

For the State.

The Court:- The writ petitioner is aggrieved by freezing of his bank account No. 251508122012 with the Indusind Bank, Deradun, the Respondent No.4 herein. It is submitted that the Investigating Officer of Bowbazar Police Station in course of investigation into GR Case No. 443 of 2021 in P.S. Case No. 152 dated 15.6.2021 has ordered freezing of the said account.

Learned counsel for the petitioner would argue that such freezing of account has seriously impeded his rights under Article 19(1)(g) of the Constitution of India. Counsel for the petitioner would also submit that the complaint and the FIR do not disclose any offence against the writ petitioner.

This Court is of the view that in the facts of the instant case it would be wholly inappropriate to enter into the propriety of the FIR under Article 226 of the Constitution of India.

However, it is equally true that prolonged freezing of a bank account can prejudice any person. In that view of this matter, this Court directs the IO, Bowbazar Police Station to complete the investigation into the subject FIR within a period of ten weeks from date mandatorily and positively. After expiry of ten weeks, the Investigating Officer on his own motion or at the request of the petitioner and/or based on any order of Court may unfreeze the operation of subject account.

The writ petition is disposed of.

Since the respondents are not used any affidavit, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

(RAJASEKHAR MANTHA, J.)