

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2376 OF 2019

Rashmibala Mrigank Pandey

...Petitioner

Versus

The Manager
Punjab & Maharashtra Co-operative Bank
Ltd. & Ors.

...Respondents

...

Mr. Ayaz Khan for Petitioner.
Mr. Shreeram Shirsat for Respondent No. 2.
Mrs. M H Mhatre, APP for State.

...

**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE : 4th MARCH, 2021.

P.C.:

1. Heard the learned counsel appearing for the petitioner and learned counsel appearing for contesting respondent. It is submitted by the learned counsel appearing for the petitioner that the husband of the petitioner is acquitted on 24.04.2018 from NDPS Spl Case No. 65 of 2011.

2. The Petitioner herein received letter from Respondent No. 1 informing that the operations in the recurring deposits accounts and the recurring fixed deposits were frozen pursuant to the directions of Respondent No. 2 in connection with FNo. NCB/BZU/CR-14/2010.

3. It is an admitted position that the against the order of acquittal dated 24.04.2018 the Respondent No. 2 has not filed appeal as informed by learned counsel appearing for the said respondent.

4. Though, the respondent no. 1 is served, none appears for respondent no. 1. The matter was listed on couple of occasions, so as to facilitate the respondent no 1 to cause the appearance, however, none appeared for Respondent No. 1.

5. Learned counsel appearing for the Respondent No. 2 submits that the Respondent No. 2 has no objection for defreezing the account of the petitioner. In that view of the matter and since the husband of the petitioner has been acquitted on 24.04.2018 and against the said order of acquittal, no appeal has been filed by Respondent No. 2, the petition deserves to be allowed. Accordingly, the writ petition is allowed in terms of prayer clause (a) and (b), which read as under:-

(a) Direct the Respondents to permit the Petitioner to operate her account with Respondent No. 1 i.e. SB Account No. SB/27505 of Smt Rashmibala Mrigank Pandey,

(b) Direct the Respondents to permit the Petitioner to withdraw the money lying in

(i) Recurring Deposit Account No. 2015/4298/1

(ii) Recurring Deposit Account No. 2012/25150/1

6. The writ petition stands disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)