

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

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04.05.2022
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WPA 41 of 2022
(Sri Nripen Ballabh Vs. Reserve Bank of India & Ors.)

Mr. Debajit Kundu

....For the petitioner

Mr. Milindo Paul

Mr. Nabankur Paul

....For the respondent no. 2

In this writ petition petitioner has questioned freezing of bank account by the Manager Kotak Mahindra Bank Ltd., Siliguri Branch, District-Darjeeling.

It has been submitted by Mr. Debajit Kundu, learned advocate, representing the petitioner that sudden freezing of bank account of the petitioner has put him in immense difficulty and such freezing of bank account is not permissible under the law. Petitioner has prayed for de-freezing of the said bank account immediately in exercise of the high prerogative writ jurisdiction under Article 226 of the Constitution of India.

Mr. Nabankur Paul, learned advocate appears on behalf of the Kotak Mahindra Bank and he has submitted a letter issued by the Inspector of Police, Cyber Crime, P.S. – Rachakonda, Hyderabad whereby the bank authority has been informed that in connection with an investigation in FIR No. 209

of 2021 by the authority of Cyber Crime Police Station, Rachakonda the said bank authority was requested by the police authority of Hyderabad to freeze the bank account of the petitioner and accordingly the same has been done and the said bank authority has also extended cooperation to the said police authority at Rachakonda, Hyderabad for facilitating the process of investigation. It has been submitted at this stage de-freezing of bank account pending investigation by the police authority may hamper the process of investigation.

The letter dated 25th February, 2021 of Inspector of Police, Cyber Crime, P.S.-Rachakonda, Hyderabad submitted before this Court on behalf of the bank authority is taken on record.

This Court has heard the learned advocates representing the parties and it appears to this Court that writ of mandamus has been prayed for by the petitioner against a private bank, Kotak Mahindra Bank Ltd. which is impermissible since the said bank authority is not an Article 12 authority being a private bank.

In addition thereto it appears from the letter of the Inspector of Police, Cyber Crime Police Station, Rachakonda, Hyderabad that in connection with an investigation being carried out in FIR 209 of 2021 it has been necessitated to freeze the bank account of

the petitioner and if at this stage any direction is passed for de-freezing of the bank account same may impair the process of investigation which this Court is not inclined to do.

An order dated 19th November, 2018 passed by the Hon'ble Single Judge of Madras High Court in a Criminal Revisional Application has been relied upon on behalf of the petitioner in order to impress upon this Court that in similar situation the High Court made necessary directions for de-freezing the bank account of the petitioner.

On perusal of the said order of the Madras High Court dated 19th November, 2018 it appears that such order was passed on an application under Section 482 of the Cr.P.C therefore the ratio of the said order may not apply in the present case.

In view of the above conspectus, this Court does not find merit in this writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)