

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

WRIT PETITION NO. 1988 OF 2021

Smt. Sunita S. Pasi

... Petitioner

Versus

The Manager, NKGSB Co-operative
Bank Ltd. & Ors.

... Respondents

Ms.Zehra Charania i/b. Mr. Ayaz Khan for the Petitioner.
Mr.S.S.Pednekar, APP for the Respondent – State.
Mr. Shriram Shirsat for the Respondent No.1.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 7th July, 2022

P. C. :

1. At the outset, learned Counsel for the petitioner seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.
2. Heard learned Counsel for the parties.
3. By this petition, the petitioner has sought the following substantive relief:-

“16.....

(a) Direct the Respondents to de-freeze SB Account No. SB/ 23922 & QIRP/912351/2 to permit the Petitioner to operate her account with Respondent No.1 i.e. SB Account No. SB/23922 of Smt Sunita S. Pasi”.

4. Perused the papers. The petitioner is the mother of original accused No.2- Sandip Pasi. The petitioner's son was arrested by the respondent No.2-Narcotic Control Bureau in connection with a narcotic case. During the course of investigation, the bank account of the petitioner was frozen. After a full fledged trial, the petitioner's son was acquitted of the offences punishable under Sections 8 (c) read with 22 (c) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985. The said judgment and order passed by the learned N.D.P.S Special Judge, City Civil & Sessions Court, Gr. Bombay is dated 24th April, 2018. It is annexed at Exhibit A of the petition. Admittedly, the petitioner was not an accused in the said case. The respondent No.2 -Narcotic Control Bureau, has not challenged the said judgment and order dated 24th April, 2018 of acquittal passed by the learned N.D.P.S Special Judge, City Civil & Sessions Court, Gr. Bombay in N.D.P.S. Special Case No. 65 of 2011.

5. Learned Counsel for the respondent No.1 has no objection if the bank account of the petitioner is defreezed, since the petitioner's son has been acquitted and since there is no appeal filed against the said acquittal.

6. Accordingly, we allow the petition in terms of prayer clause (a), which is reproduced as under :

“(a) Direct the Respondents to de-freeze SB Account No. SB/ 23922 & QIRP/912351/2 to permit the Petitioner to operate her account with Respondent No.1 i.e. SB Account No. SB/23922 of Smt Sunita S. Pasi”.

7. Needless to state that, the petitioner would be entitled to the bank interest from the date of freezing of her account.

8. The petition is accordingly disposed of.

9. All parties to act on the authenticated copy of this order.

TRUPTI
SADANAND
BAMNE

V. G. BISHT, J.

REVATI MOHITE DERE, J.

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