

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6808 OF 2021

**ANAND
SUDHAKAR
SUDAME**

Navneet Sharma

.Petitioner

Versus

The State of Maharashtra & ors.

.Respondents

Mr. Brijesh Pathak, Advocate, for the Petitioner

Ms M. H. Mhatre, APP, for the Respondents - State

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : April 19, 2022.

P. C. :

1. Heard learned counsel for the Petitioner.

2. Considering the limited grievance raised in the Petition, we deem it appropriate to dispose of the Petition at the admission stage itself by issuing directions to the Respondent No. 2. It is submitted by learned counsel that the Petitioner is a businessman carrying out a business of a courier agency and acting as a forwarding agent for certain logistics. The Petitioner holds an account in Central Bank of India bearing A/c. No. 3789121380. The Petitioner has placed on record certain documents to show that by obtaining necessary permission from the concerned authorities, the Petitioner is carrying out his business and in

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support of his submission, Registration Certificate and other documents are placed on record at Exh 'A' collectively. It is further submitted by the learned counsel appearing for the Petitioner when the Petitioner was carrying out his business peacefully and legally, a notice communication dated 27.09.2021 received by the Petitioner as if. By the said communication, the Cyber Police Station, Crime Branch, C.I.D., Mumbai informed the Petitioner that the said agency is carrying out the investigation in C. R. No. 45 of 2021 for the offences punishable under Sections 419, 420, 465, 468, 471, 34 of I. P. C. r/w 66-C, 66-D of the Information Technology Act, 2008. Then it is informed to the Petitioner, in the process of investigation, it revealed that Bank account of the Petitioner is utilized for an oblique motive by some fraudsters, who had de-frauded many people for huge amounts. Learned counsel for the Petitioner submits that on making certain enquiries, it revealed to the Petitioner that the Petitioner is neither named as an accused in the crime nor his role is referred to as any of the witnesses but for somebody's mischief, the Bank account of the Petitioner is sought to be freezed. Learned counsel for the Petitioner then submitted that because of the act of the freezing of account, the Petitioner is unable to operate the Bank account and is deprived of carrying out any Bank operations and the communication not only seriously defeats the business prospectus of the Petitioner but also his day to day affairs and personal accounting is

also affected because of the freezing of the account. Learned counsel then by inviting our attention to a copy of Email forwarded to the Cyber Police Station submitted that the Petitioner immediately requested the authorities by way of representation to de-freeze his account. A copy of the Email of representation is placed on record at page No. 41 of the Petition. The said representation is addressed to Respondent No. 2 – Senior Inspector of Police, Cyber Police Station, Crime Branch, C.I.D., Mumbai on 18.10.2021. Learned counsel for the Petitioner further submitted that after waiting for considerable period, as there was no response to the representation, the Petitioner left with no choice approached this Court by filing the present Petition. Considering all the above referred submissions of the learned counsel and perusing of the documents placed on record, we deem it appropriate that the Petitioner had already approached the Respondent No. 2 by submitting representation and raising the grievance, it is reasonable expectation of the Petitioner that there would be some response to his representation. There is also some merit in the submission of the learned counsel for the Petitioner that freezing of the account of the Petitioner is causing serious prejudice to him moreover when the Petitioner is neither named as an accused nor as the witness in the crime. Considering all these aspects and sequence of events, we are of the opinion that Petition can be disposed of with directions to Respondent No. 2 to decide the

representation dated 18.10.2021 as expeditiously as possible and not later than four weeks from the date of receipt of the order of this Court. We further make it clear that in case, the representation is decided against the Petitioner, the Petitioner is at liberty to take appropriate steps including approaching an appropriate forum and the judicial forum for redressal of his grievance.

3. With these observations and directions, the Petition is disposed of. Learned APP to communicate the said order of this Court to Respondent No. 2.

4. All concerned to act upon a copy of this order issued by the Registry of this Court as an authenticated copy of the order.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]