

01.03.2023.
Court No.13
Item No. 6
ap

W.P.A. No. 3663 of 2023
Indian Compressors Limited
Versus
The State of West Bengal & Ors.

Mr. Kishore Dattta, Sr. Advocate,
Mr. Sandipan Ganguly, Sr. Advocate,
Mr. R. K. Sanghi, Sr. Advocate,
Mr. Mrigank Kejriwal,
Mr. Rachit Lakhmani.

...For the petitioner.

Affidavit-of-service filed in Court today be taken on record.

The petitioner is aggrieved that the Investigating Officer of Bidhannagar (South) Police Station has attached a Bank Account in which the petitioner enjoyed credit facilities to the tune of Rs.27 Crores.

The FIR registered by the Police, indicates a case of alleged cheating to the extent of Rs.3,29,220/-.

The Investigating Officer of the case submits that since the accused did not respond to the several notices issued under Section 41A of the Code of Criminal Procedure, he was constrained to apply for attachment of Bank Account in question.

This Court notes that it is grossly improper that in respect of a fraud to the extent of Rs.3,30,000/-, a Bank Account having transaction to the extent of Rs.27 Crores is attached.

In those circumstances, the order of freezing of the Bank Account No. 2013977591 of the writ petitioner with the Kotak Mahindra Bank Limited,

East of Kailash, New Delhi Branch shall stand unfrozen forthwith. The petitioner shall be entitled to operate the said Bank Account.

The aforesaid defreezing shall be subject to the petitioner's depositing of a sum of Rs.3,30,000/- with the learned Additional Chief Judicial Magistrate, Bidhannagar, who shall invest in an interest bearing deposit account. The deposit shall be without prejudice to the rights and contentions of the petitioner in the subject criminal proceedings. The deposit shall abide by any decision that may be passed by any competent Court or Authority. Such deposit shall be made within a period of four days from date.

Upon the deposit being made and evidence whereof being produced before the Investigating Officer of the case, the defreezing of the Bank Account of the petitioner shall take effect immediately.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)