

24th July,
2023
(AK)
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W.P.A 16859 of 2023

Anurag Halder
Vs.
State Bank of India and another

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Srabanti Das
Ms. Neha Singh

...for the petitioner.

Mr. Debashis Saha

...for the S.B.I.

Learned counsel for the petitioner alleges that the petitioner received certain amounts, totalling to about Rs.5,750/-, in his account, which were outstation transfers.

However, without any prior notice to the petitioner, the respondent-Bank froze the account of the petitioner.

Challenging the same, the present writ petition has been preferred.

Learned counsel for the respondent-Bank submits that the concerned authorities of the Government, as well as investigating agencies, intimated the petitioner regarding a complaint lodged by a third party to the writ petition, alleging that the petitioner, masquerading as a

travel agent for hotels and restaurant, reviews and rating, asked for some amount of money, upon which the said amount was transferred to the petitioner's account by the said complainant.

On such basis, the Bank has frozen the petitioner's account, only to the limit which was the subject matter of such complaint.

However, learned counsel for the Bank submits that the petitioner is free to operate the rest of the account.

Since it appears from the communication handed over in court today and which is kept on record, that a reasonable doubt has been cast on the transfer of the amount of Rs.7749/- in favour of the petitioner, out of which the petitioner is aggrieved with Rs. 5750/- which was deposited to the account of the petitioner, which is the subject matter of the present writ petition, it would not be prudent, prior to the investigation being completed by the Cyber Crime Police Station, to direct the Bank to de-freeze the account to the extent as indicated herein.

However, as per the submission of the Bank itself, there cannot be any embargo on the part of the petitioner to operate the rest of the account.

Accordingly, WPA 16859 of 2023 is disposed of by directing the respondent-Bank to permit the petitioner to

operate the account of the petitioner lying with the Bank, that is, the State Bank of India, Kidderpore (Calcutta) Branch, being Savings Bank Account No. 00000040807648243, except to the extent of Rs.5750/-, which has been allegedly frozen by the respondent no.1-Bank.

The said frozen amount, however, shall be subject to the final culmination of the investigation and/or consequential trial before the appropriate criminal court.

It is, however, made clear, that in the event a final decision is reached by the investigating authorities or the trial court with regard to such investigation, the Bank shall take appropriate steps accordingly.

A copy of the document handed over in court today is also served on learned counsel for the petitioner to take appropriate steps in that regard.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)