

57 02.08.2023
NB Ct. 14

WPA 17008 of 2023

Madhu Bhandari
Vs.
The State of West Bengal & Ors.

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thakoda.
...for the petitioner.

Ms. Priyanka Saha,
Ms. Mita Bag.
....for the State.

Mr. Debtanay Banerjee.
...for the respondent nos.8.

Mr. Dipanjan Dutt,
Mr. Amitava Mitra,
Mr. Subhadip Banerjee.
...for the respondent no.6.

Mr. Arindam Banerjee,
Mr. Somopriya Chowdhury,
Mr. Biswajit Kumar,
Mr. Raja Bahyal,
Mr. Rajarshi Ganguly.
...for the respondent no.10.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent police authority to direct the banks to defreeze all the bank accounts, lockers and fixed deposits of the petitioner as listed in the writ petition.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the

respondent no.10. The respondent no.10 had lodged an FIR against the petitioner in respect of properties of her late father. A charge sheet has also been registered in this case. However, during investigation, the bank accounts and fixed deposits of the present petitioner were frozen by the police. The petitioner prayed for defreezing of the same. However, by an order dated 29.09.2022, the same was rejected. The petitioner is in dire need of financial assistance. Yet, her own money and belongings are frozen because a criminal case is pending for so long.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The criminal case is at the stage of framing of charge. In any event, a criminal Court is in seisin of the matter. The petitioner could have formally challenged the order of rejection dated 29.09.2022 at the appropriate forum.

Learned counsel appearing on behalf of the private respondents submits as follows. An arbitration proceeding was pending at the behest of the respondent no.10. There were orders of injunction passed by the First Court and thereafter affirmed by the Hon'ble High Court in appeal. This subsequent effect although happening prior to the framing of the writ petition was not brought to the notice of the Court.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the bank accounts, fixed deposits were frozen in connection with a criminal case, which is pending at the stage of framing of charge.

There is an order of rejection dated 29.09.2022 by which the petitioner's prayer for defreezing of the accounts was rejected by the learned Trial Court. The petitioner could have challenged the same before the appropriate forum. Approaching the police after all these is a futile exercise.

As such, I do not find any merit in this application. Accordingly, the writ petition is dismissed.

However, the learned Trial Court is requested to conclude the proceeding as expeditiously as possible.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)