November 23, 2023
Sl. No. 37
Court No.2
s.biswas

In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side

WPA 2544 of 2023

The Car Sansar, Represented by Proprietor Prasenjit Saha
vs.
The State Bank of India & Anr.

Mr. Hillol Saha Poddar
Ms. Mousumi Das
… for the petitioner
Mr. S. Bhowmick
… for the respondent

The petitioner alleges that the State Bank of India, SME Hill Cart Road Brach had frozen a current account of the petitioner bearing No. 41309155632. According to the petitioner, an amount of Rs.5 lakhs was deposited in the said account on April 12, 2023. After two days, when the petitioner tried to transfer some amount, he was unable to do so. The petitioner filed a representation before the Branch Manager, State Bank of India, requesting the authority to intimate the reason for freezing the account. On April 24, 2023, the bank authority intimated the petitioner that the account was frozen on the basis of the direction received through email from the Law Enforcement Agency, Inspector of Police, Cyber Crime Police Station, Rachakonda Police Commissionerate , Hyderabad in connection with the investigation of a cyber crime being FIR No.1130 of 2021 of Cyber Crime Police Station, Rachakonda.

The petitioner contends that the FIR was registered on October 22, 2021 and the illegal transaction which was mentioned in the FIR, did not either mention the name or the account of the petitioner. The petitioner again made a representation to the bank for de-freezing the account. The bank did not take any steps. Hence, the writ petition has been filed.

The bank authorities have submitted a document to show that the cyber crime police station had issued a notice under Sections 91/102 of the Cr.P.C., directing the bank to freeze the account and also requested for several information with regard to the date of opening and operation of the account and other details in respect of the said account. The bank was also asked to confirm compliance of the request to the investigating agency. Further, the bank was directed to provide verification report without letting the account holder know about the presence of the account holder at the address provided to the bank, within a week.

Learned Advocate for the bank submits that steps were taken in compliance of the request made by the investigating agency. The petitioner was also informed that the account was frozen on account of the pending investigation. Moreover, the bank has also submitted a status report which shows that the investigation is in progress.

Under such circumstances, this court does not find that the bank authority had either acted arbitrarily or whimsically or contrary to the law, in freezing the account of the petitioner. The same was done in aid of an ongoing investigation of a cyber crime.

The petitioner's remedy would be to approach the court under whose jurisdiction the investigation is going on for his reliefs, in accordance with law. The reasons for freezing of the account had already been intimated to the petitioner along with the documents available with the bank.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)