IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3134 of 2021

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Bhawana, female, aged about 28 years D/o Braj Bhushan Prasad Sinha, Resident of Flat No, A1/102, Jalalapur City, Ramjaipal Path. Near Ambedkar Dental College, Ramjaipal Path, P.S- Rupaspur, P.O-Danapur, District- Patna (Bihar).

... ... Petitioner/s

Versus

1. The Bank of India through its Chief Managing Director (CMD) Mumbai.
2. The Branch Manager, Bank of India, Jagdeo Path Branch, Patna.
3. The Zonal Manger, Bank of India, 'R' Block, Patna
4. The Economic Offence Unit, Bihar through the Inspector General of Police. Economic Offence Unit, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandan Jha, Advocate.
For the Respondent/s	:	Mr. Raj Nandan Prasad, Advocate.
For the Bank	:	Mr. Raj Nandan Prasad, Advocate.
		Mr. Vishesh Kumar Singh, Advocate.
For the EOU	:	Mr. Vijay Anand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

19 26-07-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

> *"....for issuance of a writ in the nature of writ of mandamus or writ of mandamus or any other appropriate writ, or order or direction commanding the respondents to make sanction payment of Fixed deposit amount of account number 44585611000610 & also to sanction permission for operation or surrender of the Bank Locker of the petitioner.*
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> *This is further for directing the Respondent to pay to the fixed amount with interest till date."*

3. Shorn of details, the admitted facts in the present case are that the petitioner is having a Fixed Deposit (F.D.) bearing No. 44585611000610 and Locker No. 400022 in the Bank of the Respondent No. 2. The above accounts are not being allowed to be operated by the petitioner ostensibly on the ground that the Economic Offence Unit (EOU) (Respondent No. 4) has registered an F.I.R. against the father of the petitioner and further directed the Bank officials not to allow the operation of the locker nor disburse the maturity amount of the Fixed Deposit (F.D.). Though the petitioner has approached the bank officials for payment of the maturity amount of the Fixed Deposit (F.D.) and also for closure of the locker but the same was not done. Learned counsel has stated that the locker was empty at the time of verification by the Economic Offence Unit (EOU) and the petitioner is being charged the rents every month without being allowed to be used. Further it is stated that the Fixed Deposit (F.D.) bearing No. 44585611000610 was not in the list of accounts directed to be frozen by the Economic Offence Unit (EOU). That the petitioner is not an accused in the F.I.R. and even the charge-sheet filed does not name the petitioner as an accused. Learned counsel has, therefore, prayed this Court to direct the Respondent-Bank to pay the maturity

amount of the Fixed Deposit (F.D.) together with interest and also close the locker account.

4. Learned counsel has relied on the order dated 06.09.2021 passed by the Hon'ble Supreme Court in Criminal Appeal No. 949 of 2021 ***(Ratan Babulal Lath Vs. The State of Karnataka)*** in support of his case.

5. Per contra, the learned counsel for the Respondent-Bank has stated that the bank officials have frozen the Fixed Deposit (F.D.) and not allowing the petitioner to operate the locker on the instructions of the Economic Offence Unit (EOU), (Respondent No. 4). That as per the communication received by the bank from the Economic Offence Unit (EOU), the locker of the petitioner was seized and not being allowed to operate. Learned counsel has drawn the attention of this Court to the order dated 06.03.2014 (Annexure A) for seizure of property issued by the Economic Offence Unit (EOU) to show that they have acted in accordance with the said direction issued by the Respondent No. 4. Learned counsel has stated that they will abide by any directions that may be passed by this Hon'ble Court.

6. Learned counsel appearing on behalf of the Economic Offence Unit (EOU), Respondent No. 4 when

questioned by this Court with regard to the order of the Hon'ble Supreme Court relied by the petitioner, has fairly stated that the order passed by the Hon'ble Supreme Court is binding on them.

7. As seen from the record, the petitioner opened a Fixed Deposit (F.D.) bearing No. 44585611000610 with the Respondent-Bank and the same has matured in the year, 2017. However, the maturity amount was not paid to the petitioner on the ground that the Economic Offence Unit (EOU) has directed the bank not to do so. The fact that the locker was empty at the time of verification by the Economic Offence Unit (EOU) has not being denied by any of the respondents. Once it is found that the locker was empty and nothing was found, mere freezing of the locker will not serve any purpose and will not be of any evidentiary value to the prosecution. It is also pertinent to note that the Fixed Deposit (F.D.) bearing No. 44585611000610 standing in the name of this petitioner does not find place in the seizure order issued by the Economic Offence Unit (EOU). When such is the case, it is not understandable as to why the bank officials have not paid the maturity amounts to the petitioner. The ground taken by the bank that they acted on the oral instructions of the Economic Offence Unit (EOU) cannot be sustained and the same is contrary to law.

8. The Hon'ble Supreme Court in the case of ***Ratan Babulal Lath Vs. The State of Karnataka*** (supra) has held as under:-

> *"Be that as it may, on that account, it is not possible to sustain the freezing of the bank account the appellant taking recourse to Section 102 Cr.PC as the Prevention of Corruption Act is a Code by itself.*
>
> *In view of the aforesaid position, the freezing of the account of the appellant cannot be sustained and is, accordingly, set aside."*

9. Having regard to the above proposition of law laid down by the Hon'ble Supreme Court and also the facts of this particular case, the present writ petition is allowed. The Respondent-Bank is directed to forthwith pay the Fixed Deposit (F.D.) amount along with interest accrued i.e. interest to be calculated from the date of issuance of Fixed Deposit (F.D.) till the date of the actual payment to the petitioner. The petitioner shall furnish the details of the account number to which the amounts have to be transferred within one week from the date of receipt of this order. The petitioner shall give a request letter to the bank for closing the locker and the same shall be acted upon by the Bank. The petitioner shall also give an undertaking to the bank that she will indemnify the bank if any adverse order(s) are

passed in the criminal case filed against her father.

10. With the above directions, the present writ petition stands disposed of to the extent indicated.

(A. Abhishek Reddy, J)

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