IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17012 of 2023

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Sudha Devi W/O- Niranjan Kumar, R/O- Grand Plaza, Fraser Road, P.S- Kotwali, P.O- GPO, Patna, District- Patna.

... ... Petitioner/s

Versus

1. The State Bank of India through its General Manager, Local head Office, 5th Floor, west Gandhi Maidan, Patna-800001.
2. The General Manager SBI, Local head Office, 5th Floor, west Gandhi Maidan, Patna-800001.
3. The Regional Manager, State Bank of India, Patna.
4. The Branch Manager, State Bank of India, Dakbunglow, Fraser road, Sahi complex, Patna.
5. The Senior Superintendent of Police, Cyber cell, Vadodara City, Gujarat.
6. The Police Inspector, Cyber Crime Police Station, 3rd Floor, above Panighat Police Station, Vadodara City, Gujarat.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Adv.
For the Respondent/s	:	Mrs. Namarata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT
Date : 09-02-2024

Heard learned counsels for the parties.

2. The present writ petition has been filed for the following relief(s):

> *"(i) For directing and commanding the respondent authorities to allow the petitioner to operate her pan car and bank account which have illegally and in most arbitrary manner have been put on hold since, July 2023 and petitioner is not allowed to operate her bank account,*

which has affected the reputation, business and adversely affected the livelihood of the petitioner.

(ii) For restraining the respondent authorities from taking any further coercive steps as against the petitioner, without making any proper inquiry.

(iii) For paying adequate compensation and cost of litigation, to the petitioner for illegally harassing her physically, financially and mentally and she has been compel to approach this Hon'ble Court by way of filing present writ application.

(iv) For any other relief/reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case."

3. Learned counsel for the petitioner has stated that the respondent Bank has put a lien of Rs. 3,60,000/- on the Bank account of the petitioner and the petitioner is not been allowed to use the above amount from her account. Learned counsel has stated that the authorities without giving any show cause notice to the petitioner or seeking any explanation have abruptly put a lien on the account of the petitioner. That the petitioner is unable to utilize an amount of Rs. 3,60,000/-, due to the lien put by the authorities concerned and therefore, seeks a direction from this

Hon'ble Court to direct the respondent Bank to lift the lien on the account of the petitioner and permit her to operate the account without any hindrance.

4. Per contra the learned counsel appearing on behalf of the respondent Bank has stated that the Bank has received an e-mail dated 27.07.2023 from the Cyber Crime, Police Station, Vadodara City (Annexure-P4) requesting them to put a lien for an amounting Rs. 3,60,000/- and based on the same, the account of the petitioner has been put on lien, otherwise the petitioner is being allowed to operate her account.

5. Learned counsel has stated that as per the e-mail received from the Cyber Crime, Police Station, Vadodara City, the PAN No. of the petitioner is reflected in one of the cyber crimes that was committed and therefore, the Police Authorities have requested the Bank to put a lien for an amount of Rs. 3,60,000/-.

6. Perusal of the e-mail letter sent by the Police Inspector, Cyber Crime Police Station, Vadodara City to the Bank Manager does not reveal that the petitioner has been made an accused in the said crime and only the PAN No. of the petitioner has been shown for committing a cyber crime. Further it reveals that the Aadhar Card No. and the Mob. No. shown in

committing a crime are not that of the petitioner and only the PAN Card No. is that of the petitioner. Merely because the Police Inspector, Cyber Crime Police Station, Vadodara City has communicated to the Bank to put a lien of Rs. 3,60,000/- on mere suspicion, the Bank cannot put a lien on the account of the petitioner unless and until, it is shown that the petitioner is involved in the cyber crime. However, to meet the ends of justice, this Court is of the opinion that the petitioner can be directed to give an undertaking to the Bank for an amount of Rs. 3,60,000/- in case, the police in their investigation finds that the petitioner was involved in the commissioner of that crime in any manner.

7. Learned counsel for the petitioner on instructions from his client has stated that the petitioner has no objection for giving an undertaking to the Bank for an amount of Rs. 3,60,000/- and that she may be permitted to operate her Bank account without any restrictions.

8. Having regard to the above, the present writ petition is disposed of directing the petitioner to give an undertaking to the Bank for indemnifying them against any future liability for an extent of Rs. 3,60,000/- within a period of two weeks from the date of receipt of the copy of this order. In

case, the Police Inspector, Cyber Crime Police Station, Vadodara City during the cause of investigation finds that the petitioner was in any way involved in the commission of crime, she will abide by her undertaking. On such undertaking being given, the Bank authorities are directed to permit the petitioner to operate the account without any restriction or putting any lien on the account.

9. With the above direction, the writ petition stands disposed of.

(A. Abhishek Reddy, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2024.
Transmission Date	NA