

Item No.9
05.08.2024
Court. No. 9
GB

W.P.A. 1765 of 2024

Debabrata Sarkar
Vs.
Indian Bank & Ors.

Mr. Sreyas Basu Dasgupta,
Ms. Dipanwita Das

...for the Petitioner.

Mr. Mohit Gupta,
Mr. Kaushik Modak,
Ms. Mousumi Pal

...for the Bank.

Affidavit-of-service filed in Court today, is taken on record.

Despite service, none appears on behalf of the respondent no.5, that is, the Law Enforcement Authority, National Criminal Records Bureau.

The petitioner alleges that the Branch Manager, Indian Bank has frozen the account of the petitioner allegedly on a complaint received from the National Crime Records Bureau. The petitioner contends that the entire account should not be frozen. The dispute and/or the matter over which the National Crime Records Bureau and the Cyber Risk Management Authority were investigating, amounted to a sum of Rs.44,700/-. The petitioner prays for a direction upon the bank to defreeze the account.

The bank authorities submit that they have no option but to freeze the account on the instruction of the respondent no.5, that is, the Law Enforcement Authority, National Criminal Records Bureau.

Under such circumstances, the writ petition is disposed of with a direction upon the Branch Manager, Indian Bank,

Gariahat Branch, to supply all documents relating to the freezing of the account of the petitioner including the request/communication received from the respondent no.5. The petitioner is at liberty to approach the respondent no.5 with a prayer for defreezing the account upon the petitioner securing the amount which is in dispute. It is the contention of the petitioner that the said account is used for his daily expenses and freezing of the same has caused irreparable loss and hardship to the petitioner.

The Branch Manager, Indian Bank shall supply all documents to the petitioner within ten days from date. The Law Enforcement Authority of National Crime Records Bureau, shall consider the representation of the petitioner within two weeks from receipt of the petitioner's representation. The respondent no.5 may issue necessary directions to the bank to defreeze the account if the petitioner can secure the money that is the subject matter of any investigation. If the respondent no.5 cannot accede to the request made by the petitioner, then reasons should be supplied to the petitioner, to enable the petitioner to understand the nature of the complaint against such account and the nature of investigation and offence committed by the petitioner.

Accordingly, writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)