

AD-16
Ct No.09
19.03.2024
TN

WPA No. 2582 of 2024

Dipanwita Majumdar
Vs.
The Reserve Bank of India and others

Mr. Sayak Chakraborti,
Mr. Anish Kumar Mukherjee,
Mr. Wrickbrata Roy

.... for the petitioner

Mr. Anirban Pramanick,
Mr. Punarbanu Nath

.... for the respondent nos. 2, 3 & 4

1. Learned counsel for the petitioner submits that the petitioner's Bank account has been frozen by the respondent no.3-Bank, that is, the Karnataka Bank.
2. It is contended that upon query, it was ascertained from the Bank that there was a request on a complaint made by one Punit Ashoksing Thakur against the husband of the petitioner in Ramnagar by the police authorities, merely asking for certain information regarding the account. However, it is contended that there was no request on the part of the police authorities to freeze the account. In support of such contention, learned counsel for the petitioner places reliance on Annexure P2 at page-15 of the writ petition which is apparently a communication to the Bank Manager of the Bank of Karnataka dated February 28, 2023 by the Assistant Police Inspector E.O.W. Chandrapur (MS) seeking certain information.

3. Learned counsel for the petitioner submits that subsequently two other accounts were also frozen by the Bank but those were thereafter de-frozen.
4. Learned counsel for the Bank submits that the de-freezing of the other accounts took place on the request of the petitioner who gave an impression to the Bank that she would be withdrawing the writ petition.
5. Be that as it may, on law it is submitted by learned counsel for the Bank that the said police authorities as indicated above wrote several other communications including one dated March 09, 2024, thereby asking for freezing of the account-in-question of the petitioner on the allegation that proceeds of crime had been parked in the said account.
6. A copy of such communication is handed over in court today.
7. Learned counsel for the petitioner submits that the communication cited is of March 09, 2024 whereas the account was frozen about five days before that.
8. Be that as it may, it transpires that the Bank has acted on the request of the concerned police authorities exercising power under Section 102 of the Code of Criminal Procedure which empowers the Investigation Officer to seek for a seizure of the goods involved in an investigation.

9. In such circumstance, it does not appear that there was any irregularity on the part of the Bank to take the step as impugned herein by freezing the petitioner's account for the time being.
10. Be that as it may, the petitioner and/or her husband will be at liberty to take appropriate steps with regard to the complaint lodged by the petitioner and her husband before the appropriate forum in Maharashtra. Copies of the documents handed over by learned counsel for the Bank today in court are also handed over to the learned Advocate for the petitioner to enable the petitioner/her husband to take such action as deemed necessary by the petitioner.
11. It is made clear that nothing in the above observations shall prevent the accused person, that is, the husband of the petitioner also to take appropriate steps with regard to the complaint lodged against him before the appropriate authorities.
12. WPA No. 2582 of 2024 is, accordingly, disposed of in the light of the above observations.
13. There will be no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)