

A-23
Ct No.09
06.05.2024
TN

WPA No. 25071 of 2023

Rahul Ali
Vs.
The State of West Bengal and others

Mr. S.R. Das,
Mr. Kshetra Prasad Mukhopadhyay
.... for the petitioner

Mr. Abhishek Banerjee,
Ms. Parna Roy Chowdhury
.... for the PNB

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** The facts of the case are peculiar.
- 3.** The petitioner is a car driver acting for individual owners of vehicles.
- 4.** Despite the petitioner's paltry income, the petitioner managed to open a fixed deposit with the respondent-Bank and also has an account with the Bank. However, all on a sudden, an intimation was given to the petitioner indicating that on the allegation of a fraud of an amount of Rs. 600/- only, the account and the fixed deposit of the petitioner has been frozen by the Bank.
- 5.** Despite service, none appears for the State at the time of call.
- 6.** Learned counsel for the Bank submits that the Bank, under the Banking norms, has no other option but to comply with the request of the police authorities.

- 7.** Although the Bank's stand is justified, the action on the part of the investigating authority is not. From the annexure at page-26 of the writ petition, it is clear that even from the intimation made by the Cyber Crime Department of the Bidhannagar Police Commissionerate, the quantum of fraud was Rs. 600/- only. For such paltry amount, the freezing of the petitioner's fixed deposit and account in its entirety, which was obviously a knee-jerk reaction of the police, was grossly disproportionate, particularly keeping in view the meagre income of the petitioner.
- 8.** Since the State chooses to remain unrepresented, the matter is taken up for hearing in the absence of the State.
- 9.** WPA No. 25071 of 2023 is allowed, thereby setting aside the freezing of the account of the petitioner and the fixed deposit of the petitioner in terms of prayers (a) and (b) of the writ petition.
- 10.** The respondent-Bank shall now permit the petitioner to operate the said Bank account and the fixed deposit respectively. However, it is made clear that any allegation that might be subsisting under the criminal laws of the country against the petitioner have not been commented upon or touched by this order and it will be open to the investigating authorities to proceed with the investigation in due course and take necessary action as contemplated under the law regarding such investigation otherwise.

- 11.** There will be no order as to costs.
- 12.** 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.)