



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO. 677 OF 2024.

Mrs. Pranita S. Gawande,
Proprietor M/s. Aflatoon Bar and
Resturant, resident of Gawande
Layout, at post Bazargaon Bus
Stop, Bazargaon, Nagpur – 440023.

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PETITIONER.

VERSUS

1.Union of India,
Ministry of Home Affairs,
through its Secretary, North Block,
New-Delhi 110001.

2.The Inspector of Police
Arasikere Rural Police Station,
B.H. Road, Arasikere, Tq. Sulekere
Village, Hasan, Karnataka 573103.

3.The Branch Manager,
Union Bank of India, Wadi
Branch, Plot No.50, Nagpur
Amravati Road, Wadi,
Nagpur 440023.

.. RESPONDENTS.

Rgd.

Shri M. Limaye, Advocate for the Petitioner.
Shri N.G. Deshpande, DSGI for Respondent No.1.
Shri S.N. Kumar, Advocate for Respondent No.3.
None for Respondent No.2- Served.

**CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.**

DATE : SEPTEMBER 26, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Rule. Rule is made returnable forthwith and by consent of the learned Counsel present for the parties, the matter is taken up for final disposal.

2. The petitioner is running a Bar and Restaurant at Nagpur. Bank account of petitioner with respondent no.3 Union Bank of India has been freezed upon instructions received by the Bank from respondent no.2 police station at Karnataka State.

Rgd.

3. We have mentioned the entire affairs in detail in our order dated 28.08.2024, indicating that on particular date the petitioner Bar owner received a sum of Rs.66,830/- from its customers, out of which allegedly an amount of Rs.900/- has been disputed. For said reason the entire Bank account has been freezed. The petitioner has produced documents to that effect.

4. We have repeatedly tried to communicate respondent no.2 Police Station to appear and justify the freezing, but, despite repeated service they did not appear. Our efforts to hear respondent no.2 are well demonstrated in our earlier order dated 28.08.2024.

5. Communications have also been sent on e-mail address from which the respondent no.2 police station has sent directions for freezing the account. We would reasonably presume that respondent no.2 is aware about this proceeding, but, intentionally chosen to remain absent.

Rgd.

6. In substance hotelier's entire bank account has been freezed for a paltry disputed sum of Rs.900/-. Certainly it would cause great inconvenience, and therefore, we are inclined to allow this petition. Hence the following order.

ORDER

- [i] Criminal Writ Petition is allowed and disposed of.
- [ii] We hereby direct the respondent no.3 Union Bank of India to de-freeze the account of the petitioner.
- [iii] Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE

JUDGE

Rgd.