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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16639/2023**

MUKESH PRASAD SINGH & ANR.

..... Petitioners

Through: Mr. Sufian Siddiqui, Mr. Rakesh Bhugra, Ms. Alya Veronica, Advocates (M: 9873344786, email:sufiansiddiqui@gmail.com)

versus

PUNJAB NATIONAL BANK

..... Respondent

Through: Mr. Santosh Kumar Rout, SC for PNB with Ms. Dharna Veragi, Mr. Sandip Munian, Advocates (M:7384392481)

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+ **CONT.CAS(C) 15/2024 & CM APPL. 304/2024**

MUKESH PRASAD SINGH & ANR.

..... Petitioners

Through: Mr. Sufian Siddiqui, Mr. Rakesh Bhugra, Ms. Alya Veronica, Advocates (M:9873344786, email:sufiansiddiqui@gmail.com)

versus

MANAGING DIRECTOR, PUNJAB NATIONAL BANK

..... Respondent

Through: Mr. Santosh Kumar Rout, SC for PNB with Ms. Dharna Veragi, Mr. Sandip Munian, Advocates (M:7384392481)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

04.01.2024

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1. The present writ petition has been filed with a prayer for direction to



the respondent bank to forthwith defreeze the bank account bearing no. 6002000100090190 jointly maintained by the petitioners with the respondent bank, which has been blocked/frozen by the bank.

2. It is the case on behalf of the petitioners that the respondent bank has frozen the aforesaid bank account of the petitioners without any prior intimation or notice. Thus, it is submitted that the action by the bank is *ex facie* illegal, arbitrary and without following the due procedure established by law.

3. Learned counsel for petitioners has drawn the attention of this Court to a judgment of this Court in the case of ***G. Sagar Suri Versus State & Anr., 2003 (71) DRJ 49*** with respect to Section 82 and 83 of the Code of Criminal Procedure (“Cr.P.C”), in which it has been held that Section 83 enjoins upon the court to record the reasons in writing for ordering the attachment of any property belonging to the person who has been proclaimed as an offender under Section 82 Cr.P.C. Thus, it is contended that without following due procedure as established under Section 82 and 83 of the Cr.P.C, the bank account of the petitioner has been frozen.

4. It is further submitted that the petitioners received an email dated 11th May, 2023 from the bank, wherein respondent bank had stated that the account of the petitioners had been frozen in view of the order dated 19th August, 2014 passed by the Additional Chief Judicial Magistrate, Mathura in *Criminal Case No. 3363/2012*. Learned counsel for the petitioners submits that the account in question was opened only on 22nd September, 2014, therefore, the said account could not have been the subject matter of the order dated 19th August, 2014 passed by the learned Additional Chief Judicial Magistrate, Mathura.



5. He also draws the attention of this Court to the order dated 19th October, 2023 passed by the Supreme Court in *Writ Petition (Criminal) No. 508/2023*, wherein the Supreme Court has directed that considering the petitioners medical condition, no coercive steps shall be taken against him in the meantime. Learned counsel for the petitioners submits that this order dated 19th October, 2023 passed by the Supreme Court is qua the same proceedings which are pending in the Mathura Court. Therefore, he submits that the action by the bank is against the tenor of the order dated 19th October, 2023 passed by the Supreme Court.

6. The contempt petition has been filed on behalf of the petitioner alleging willful disobedience of the order dated 22nd December, 2023 passed by this Court in W.P.(C) 16639/2023. By the said order dated 22nd December, 2023, the predecessor bench of this Court had directed the petitioners to apply before the respondent bank for release of some amount to enable him to avail the medical facilities. However, no amount has been released by the bank.

7. Per contra, learned counsel for the respondent bank submits that an application dated 19th May, 2023 was filed by Smt. Laxmi Singh, the estranged wife of petitioner no.1, wherein there is a prayer for freezing account no. 6002000100090190 situated in Bhojpur (Aarah), Bihar, the bank account in question. He also draws the attention of this Court to order dated 31st May, 2023 passed by the learned Chief Judicial Magistrate, Mathura with respect to categorical directions for freezing the account in question of the petitioners maintained in Bhojpur (Aarah), Bihar.

8. However, this fact is disputed by the learned counsel for the petitioners on the ground that the specific procedure for the purpose of



freezing the account has not been followed by the learned Chief Judicial Magistrate, Mathura and that there were no specific directions to the bank to freeze the account.

9. Learned counsel for the respondent bank, however, submits that the main matter against the petitioner no.1, is pending before the learned Chief Judicial Magistrate, Mathura and that the account in question of the petitioner no.1 has been frozen on the basis of the proceedings which are pending therein. He further submits that the requisite procedure was followed by the respondent bank for the purposes of freezing the account of the petitioner no.1 after receiving due orders from the Chief Judicial Magistrate, Mathura.

10. This Court notes that all the documents and proceedings which are pending before the learned Chief Judicial Magistrate, Mathura have not been filed before this Court. On the basis of the few documents which have been placed before this Court, it is not possible for this Court to return any finding whether the due procedure has been followed by the respondent bank for the purposes of freezing the bank account in question of the petitioners. *Prima facie* on the basis of the application dated 19th May, 2023 and the order dated 31st May, 2023 passed by the learned Chief Judicial Magistrate, Mathura, it appears that specific orders for freezing the account of the petitioner no.1 have been passed.

11. At this stage, learned counsel appearing for petitioners submits on instructions from the petitioners that without prejudice to the rights of the petitioners in other proceedings, the petitioners shall be satisfied if some amount is released to the petitioners for the purpose of undertaking medical care and other treatment of petitioner no.1. This submission is being made



since there is already an order dated 22nd December, 2023 passed by this Court in the present proceedings wherein it has been noted that looking at the health condition of the petitioner no.1, petitioners are at liberty to apply before the respondent bank for release of at least some amount to enable petitioner no.1 to avail medical facilities.

12. Learned counsel for respondent bank submits that he has no objection to comply with any order passed by this Court for the purpose of releasing any amount to the petitioner.

13. This Court has taken note of the order dated 22nd December, 2023 passed by predecessor bench of this Court, which reads as under:

“xxx xxx xxx

6. In the meantime, looking at the health condition of the petitioner, it is directed that the petitioner to apply before respondent-Bank for release of at least some amount to enable him to avail the medical facilities.

7. If such an application is filed, without prejudice, let the respondent to consider it compassionately, uninfluenced by the pendency of the instant writ petition, within two working days.

xxx xxx xxx”

14. This Court notes the contentions raised on behalf of the petitioners that petitioner no.1 is bed ridden blind man suffering from blood cancer and serious cardiovascular ailments including kidney failure and various terminal diseases. Petitioner no.2 is stated to be the care giver of petitioner no.1.

15. This Court has also taken into account the order dated 19th October, 2023 passed by Supreme Court in *W.P.(Criminal) No. 508/2023*, which reads as under:

“xxx xxx xxx

Having regard to the petitioner’s medical condition, no coercive



steps shall be taken against him in the meantime.

xxx xxx xxx”

16. This Court records the submission on behalf of the petitioners that the petitioners shall be satisfied if an amount of Rs. 1 Crore is released to the petitioners for undertaking medical treatment of petitioner no.1.

17. Considering the aforesaid submission on behalf of the petitioners and considering the order passed by this Court as well as the Supreme Court, it is directed that an amount of Rs. 1 Crore be released to the petitioners by the respondent bank from the account no. 6002000100090190 of the petitioners within 3 days.

18. It is further directed that after release of the aforesaid amount of Rs. 1 Crore to the petitioners, the rest of the amount shall remain frozen in terms of the action of freezing of the account already undertaken by the bank.

19. The petitioners are granted liberty to initiate appropriate legal proceedings to challenge the action of the bank in freezing their account bearing no. 6002000100090190.

20. It is to be noted that this Court has not gone into the merits of the case as to whether the account in question of the petitioners has been frozen by the respondent bank following the due procedure or not, as no such finding can be given in the absence of requisite documents before this Court, since the case is pending before the court of learned Chief Judicial Magistrate, Mathura.

21. This Court further clarifies that it has not expressed any opinion on merits of the case with respect to the action taken by the respondent bank for the purposes of freezing account no. 6002000100090190 of the petitioners maintained at Bhojpur (Aarah) branch of PNB in Bihar.



22. Further, it is clarified that this Court has not expressed any opinion as regards the proceedings which are pending in the court of learned Chief Judicial Magistrate, Mathura.

23. In the view of the aforesaid orders and satisfaction having been expressed on behalf of the petitioners, with the consent of the petitioners and with no objection from the respondent bank, the present writ petition as well as the contempt petition along with the pending applications, are disposed of.

MINI PUSHKARNA, J

JANUARY 4, 2024

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