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2025
WEDNESDAY

Court : MB-24
Item : AD-03
Status : DISMISSED
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1485 OF 2025
CAN 1 OF 2025

RAJU PRASAD
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Sujit Bhattacharya, Advocate
Mr. Mihir Kumar Das, Advocate
Mr. Subodh Ranjan Das, Advocate

.....for the Petitioner

Mr. Sabir Ahmed, Advocate
Mr. Dhiman Banerjee, Advocate
Mr. Ejaj Ahmed, Advocate

.....for the added Respondents

Mr. Vimal Kumar Shahi, Ld. AGP
Ms. Susmita Chatterjee, Advocate

.....for the State

Mr. Debashis Saha, Advocate

.....for the SBI

CAN 1 OF 2025

1. This is an application by the State Bank of India Staff Association Co-operative Society Limited, a registered Co-operative Society, seeking to be impleaded as a party respondent in the writ-petition.
2. The applicant is a necessary party, only in view of the fact that the writ-petition seeks de-freezing of an account of the writ-petitioner, which has his pensionary and retiral benefits. The account was frozen by the Bank on an allegation of defalcation of funds from the Society by the writ-petitioner, who was the Chairperson of the said Society. This applicant is the *de facto* complainant in respect whereof the investigation has been undertaken. Thus

the applicant is a necessary and proper party to the proceedings.

3. The application for addition of party is thus allowed. **CAN 1 of 2025** accordingly **disposed of**.
4. Let the applicant be impleaded as party respondent in WPA 1485 of 2025.

WPA 1485 of 2025

5. The petitioner urges that a sum of Rs.27 lakhs has already been appropriated from his account towards the alleged defalcated sum and hence the writ-petitioner should be allowed and/or permitted to operate his account.
6. Mr. Ahmed, learned Advocate appearing on behalf of the added respondents, submits that the proceedings before the appropriate Court are pending trial. He further submits that the amount defalcated and hence payable by the petitioner is in excess of Rs.84 lakhs, which is disputed by the petitioner. Mr. Ahmed also submits that this Hon'ble Court by its order of 17.03.2025 has been pleased to reject the anticipatory bail application of the writ-petitioner. The writ-petitioner is absconding and not cooperating with the investigating authorities.
7. Mr. Saha, learned Advocate appearing on behalf of the State Bank of India, submits that the account has not been frozen by the Bank and the Bank has merely acted on the directions of the investigating agency, the Hare Street Police Station, to freeze the account.
8. I have heard Counsel for all the parties and perused the records. It is not a simple case of freezing an account erroneously or without any cogent reason.

The account has been frozen by virtue of an order by the investigating agency who is not a party to the instant proceeding.

9. The petitioner cannot be permitted to operate his account in the teeth of the order passed by the investigating agency and especially also since trial is in progress before the appropriate Court.
10. There are also disputed questions of fact, which cannot be ascertained in this writ-petition.
11. In view of the afore-stated, the writ-petition fails.
WPA 1485 of 2025 is accordingly dismissed.
12. There shall, however, be no order as to costs.

(REETOBROTO KUMAR MITRA, J.)