

In the High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3594 of 2025
Juwel Sk.
-Vs.-
The State of West Bengal

CORAM: The Hon'ble Justice Md. Shabbar Rashidi

For the petitioner : Mr. Arindam Jana,
Mr. Sabbir Biswas,

For the State : Mr. Debasish Roy,
Mr. Saryati Datta,
Ms. Eshita Dutta,

Heard On : 22.09.2025

Judgment On : 22.09.2025

Md. Shabbar Rashidi, J.:-

1. The instant revisional application has been filed assailing an order dated April 22, 2025, passed by the learned Addtional Chief Judicial Magistrate, Murshidabad.
2. By the impugned order the learned ACJM, Murshidabad was pleased to reject an application filed on behalf of the present petitioner for de-freezing a bank account belonging to the petitioner.
3. It is submitted on behalf of the petitioner that the learned ACJM was not justified in rejecting the application filed by the petitioner for de-freezing the account belonging to the petitioner. The learned Advocate for the

petitioner refers to the provisions under Section 102(2) of the Code of Criminal Procedure. It is submitted that the seizure made by the Investigating Officer of the case was not reported to the Officer-in-Charge as required by Section 102(2) of the Cr. P.C. and as such such seizure was bad in law.

4. He further submits that the representation on behalf of the petitioner was rejected on the ground that nothing was placed before the learned Magistrate showing that the bank account belonged to the petitioner was seized. Learned Advocate for the petitioner refers to Annexure 'P-2' to the revisional application which culminates that the Investigating Officer had submitted an application with the Nodal Officer of the concerned Bank seeking to freeze the bank account.
5. Learned Advocate for the petitioner also relies on a decision of the Hon'ble Apex Court in the case of **Shento Varghese-vs.-Julfikar Husen & Ors.** reported in **(2024) 7 SCC 23** to the proposition that the delay in reporting the seizure vitiates the very process of seizure.
6. Learned Advocate for the State submits that the petitioner is an accused in connection with the case, *inter alia*, under Section 411 of the Indian Penal Code. The petitioner has not been arrested for the money received in such account and the bank account was validly seized.
7. The petitioner is an accused in connection with Islampur P.S. Case No.554 of 2022 dated December 9, 2022. The petitioner and others were in possession of 13 numbers of ATM cards and 251 numbers of SIM

cards. The petitioner and the other accused could not explain for the possession of such articles and was arrested in connection with the aforesaid case. The case was taken for investigation on completion of investigation the charge sheet under Section 379/411/467/468/471/419/420/34 of the Indian Penal Code was submitted against the petitioner and other accused persons. In course of hearing the Investigating Officer wrote to the Nodal Officer of the concerned bank seeking information with regard to the transactions from the bank account belonging to the petitioner. Accordingly, the Investigating sought for freezing the bank account belonging to the petitioner. It is this account for which an application was filed by the petitioner before the learned Additional Chief Judicial Magistrate to defreeze such account. Such prayer of the petitioner was refused by the impugned order.

8. As evident, the petitioner is an accused in a case, *inter alia*, under Section 411/467/468/471 of the Indian Penal Code. The police investigated the case and submitted a charge-sheet against the petitioner or the allegations made in the FIR that the petitioner along with other accused person was found in possession of as many as 13 numbers of ATM cards and 251 numbers of SIM cards. The trial of the case is yet to commence. The petitioner, although has come up for defreezing the account but till now has not accounted for the money received in account. There is also no explanation as to the owner of the ATM cards and the SIM cards found

from the possession of the petitioner. In the facts of the case it is yet to be established if the money in the account sought to be de-frozen, belongs to the petitioner or the same is proceeds of a crime.

9. In **Shento Varghese (supra)** the Hon'ble Apex Court was pleased to hold at para 22 as follows:-

“22. Merely because we have held that non-reporting of the seizure forthwith by the police officer to the jurisdictional court would not vitiate the seizure order, it would not mean that there would be no consequence whatsoever as regards the police officer, upon whom the law has enjoined a duty to act in a certain way. Since there is an obligation cast on the officer to report the seizure forthwith, it becomes necessary to understand the meaning of the expression “forthwith” as used in Section 102(3) Cr. PC. For, without a clear understanding of the said expression, the Magistrate would not be in a position to determine whether the obligation cast on the police officer has been properly complied with. In this background, the expression “shall forthwith report the seizure to the Magistrate” occurring in sub-Section (3) of Section 102 requires to be examined.”

10. Section 102 of the Code of Criminal Procedure provides powers to the Police Officer to seize any property which may be alleged or suspected to have been stolen and which may be found under circumstances which create suspicion of commission of any offence.
11. In the case at hand, the petitioner has not been able to substantiate as to from which the money was received in this account frozen at the behest of the Investigating Officer. Under such circumstances, the petitioner cannot be allowed to take advantage of the provisions contained in Section 102(2) of the Code of Criminal Procedure. I find no infirmity in the order impugned.

12. Accordingly, on the basis of the aforesaid discussions, I am not inclined to interfere with the impugned order.
13. CRR No. 3594 of 2025 is, thus, dismissed.
14. Parties shall act on the basis of server copy of this order duly downloaded from the website of this Hon'ble Court.
15. Urgent photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Md. Shabbar Rashidi, J.)