



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

2 CRIMINAL WRIT PETITION NO. 1821 OF 2024

Manvendrasingh Mannalal Varma
Age: 36 Years, Occu. : Service,
R/o. S. No.196/2-B/1 To 7/P. No.9,
Kesar Apartment, Flat No. T2, 3rd floor,
Shakun Estate, Besides Mahesh Nagar,
Behind Balaji Lawns, Bhusawal-425 201.

.... Petitioner

VERSUS

1. The Union of India
Through its Secretary,
Ministry of Home Affairs,
New Delhi-110 001.
2. National Cyber Crime Reporting Portal
Through Its Director,
National Highway No.8,
Mahipalpur, New Delhi-110 037.
3. The Manager
State Bank of India,
Branch at Bhusawal.
4. The Nodal Cyber Cell Officer,
Mr. Jashandeep Singh Gill
(Superintendent of Police),
Mohali Stadium Rd, Phase 4,
Sector 59, Sahibzada Ajit Singh Nagar,
Punjab-160 059.
5. The Nodal Cyber Cell Officer,
Mr. Sh. Ajai Singh SSP/STF,
Police Headquarters, Uttarakhand,
12 Subhash Road, Dehradun-248 001.

6. The Grievance Officer
Sh. Anshuman AP (IGP)
Police Headquarters, Uttarakhand,
12 Subhash Road, Dehradun-248 001.
7. The Nodal Cyber Cell Officer (Deleted).
8. Grievance Officer Mr. C Vamsi Krishna,
I.P.S Superintendent of Police,
Cyber Training and Research Unit
Special Units & Economic Offences,
Bengaluru- 560 001, Karnataka.
9. The Nodal Cyber Cell Officer,
Shri Dharmendra Sharma,
IPS, Superintendent of Police,
State Cyber Crime Cell, Gujarat State,
Gandhinagar,
7th Floor, Karmayogi Bhavan, Sector-10A,
Block No-2, Gandhinagar-382 018,
Gujarat.

.... Respondents

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Advocate for the Petitioner : Mr. Dipesh D. Pande
Standing Counsel for Respondent Nos.1 & 2 : Mr. Rahul Bagul
Advocate for Respondent No.3 : Mr. Suresh W. Munde

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 04th April 2025

PER COURT :-

1. The present petition has been filed for following relief :

“B] By way of appropriate writ, order or direction in the like nature, the Respondent No. 3 Bank may kindly be directed to de-freeze the salary account No.30278059589.”

2. Heard learned Advocate for the petitioner, learned Standing Counsel for respondent Nos.1 and 2 and learned Advocate for respondent No.3.

3. Before considering the further facts, we will have to mention that on 21.03.2025, we had heard them for sometime and then, by the said order dated 21.03.2025, when the learned Advocate for respondent No.3 was relying upon the communication by the Deputy Superintendent of Police State Cyber Crime Cell, CID Crime, Gandhinagar, Gujarat State, which was addressed to the Nodal Officer of all Bank dated 09.05.2023 for freezing the account, we found that in compliance to the said letter dated 09.05.2023, whether respondent No.3 had informed the petitioner or not, we had granted time of one week to respondent No.3 to file an affidavit. However, it has not been filed.

4. Learned Advocate for respondent No.3 bank submits that, due to March end, the said affidavit could not be filed. We are unable to accept this excuse. When the order was passed on 21.03.2025, the March end was way ahead and we only wanted to know whether respondent No.3 had made communication or not and to bring documents by way of affidavit on record, period of one week was given which has not been utilized by respondent No.3. Now, learned

Advocate for respondent No.3 submits that he is having the copy of the said communication regarding the information given by the bank to the petitioner. We are not accepting that document as it is not as per the directions given by this Court.

5. Notices in respect of the present petition was served on respondent Nos.4 to 6, 8 and 9. However, they have not appeared and contested the matter. It also appears that the petitioner had sent legal notices to these respondents also. However, that has not been responded. We will have to take note of the then information that was given to the petitioner as to why his entire account has been freezed. It appears that there were some disputed entries and the complaint was made to the National Cyber Crime Reporting Portal. The amount in that disputed entry was Rs.7,500/- and Rs.3,300/-. If this is the position, then the entire account cannot be freezed by any police authority and further the respondents have not pointed out any legal provision which permits the investigating officer or the police authorities just to communicate to the Nodal Officers to all the banks to freeze the entire account.

6. Every person who has a bank account in respect of him, a *prima facie* presumption can be invoked that it is his hard earned money. Now, in respect of respondents Nos.4 to 6, 8 and 9,

opportunity has been given to them to show the connection between the disputed entry and the present petitioner, but they have failed to point out the same. Under such circumstance, we take that the action taken by freezing the salary account of the petitioner bearing No. 30278059589 is illegal and therefore, a case is made out for exercising our powers under Sections 226 and 227 of the Constitution of India. Hence, we proceed to pass the following order.

ORDER

1. The Writ Petition stands allowed.
2. Respondent No.3 Bank is directed to defreeze the salary account bearing No. 30278059589, in the name of the petitioner with immediate effect and allow him to do the normal transactions through the said salary account.
3. Authenticated copy be issued.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE