



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.705/2025

B. S. Ispat Ltd., Village Salori Yensa, post Chinora, Tq. Warora Dist. Chandrapur .Vs.
State of Maharashtra thr. PSO Warora, Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y. A. Khullarwar, Advocate for petitioner.
Mrs. R. Sharma, A.P.P for respondent Nos. 1 and 2.
Mr. A. A. Mardikar, Advocate for respondent No.4.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATE : SEPTEMBER 26, 2025

On 18.09.2025, following order was passed:

“On 16-9-2025, following order was passed.

“Heard for some time.

2. Investigating Officer namely Mr. Sachin Yadav, attached to Economic Offences Branch, Chandrapur has made a communication dated 20.08.2025 with the Branch Manager, Axis Bank Ltd., Civil Lines, Nagpur, directing the bank to debit freeze the bank account belonging to the petitioner.

3. Learned counsel for the petitioner submits that the correspondence so made is without jurisdiction and this officer has no powers to issue such directions under the provisions of the Bhartiya Nagrik Suraksha Sanhita, 2023 or any other provision of the law. Moreso, this direction is issued without giving an opportunity of hearing to the petitioner.

4. Learned A.P.P shall take instructions as to under which provision, investigating officer has issued such communication.

5. List today at the end of the board.

6. All concerned to act upon authenticated copy of the order.

LATER ON

7. The learned A.P.P submits that the Investigating Officer is at Mumbai, and has sought time to take corrective measures. She submits that necessary communication to defreeze the account will be made within twenty-four hours. She further submits that if required, the Investigating Officer shall approach the jurisdictional Magistrate for appropriate action, including seizure of property belonging to the petitioner.

8. The statement is accepted.

9. Stand over to 18/9/2025.

10. All concerned to act upon authenticated/uploaded copy of the order.”

Learned Additional Public Prosecutor (APP) submits that in response to aforesaid order, Investigating Officer Mr. Sachin Yadav has taken corrective steps and has issued communication to the bank to release the accounts. He has thus recalled the order of communication to debit freeze the accounts. The petitioner is now at liberty to operate the accounts. The purpose of filing petition has been thus served. The petitioner is satisfied with the corrective steps so taken.

At this stage, learned counsel for the petitioner submits that the aforesaid communication has been made on 16-9-2025 and on the same day, the Investigating Officer, to the best of his knowledge, the same Investigating Officer Mr. Sachin Yadav has issued communication to the respondent no. 3 – bank to debit freeze the account of petitioner company’s Managing Director’s HUF Bank account.

Learned APP submits that said action has been taken in different crime.

We understand that the action has been taken in different crime but the Investigating Officer carries a blame of acting in breach of the provisions of law as also what has been noted by us in order dated 16-9-2025. The moot question was whether the Investigating Officer has jurisdiction/power to debit freeze the account/s. We

have indicated in order dated 16-9-2025 that there is no such provision under the Bharatiya Nagarik Suraksha Sanhita, 2023 or any other law time being in force. Despite such status, Mr. Sachin Yadav appears to have issued a communication to the respondent no. 3 to debit freeze the accounts taking aid of different crime registered against the petitioner company and its directors.

Prima facie we are of the view that the action of Mr. Sachin Yadav is contemptuous. As such, said communication is not subject matter of the present petition, however, we would like to know from the Investigating Officer as to what made him to issue another communication despite having knowledge that he had no jurisdiction to do so. Since we have noted that the act committed by Mr. Sachin Yadav is contemptuous, issue notice to him as to why action under the provisions of the Contempt of Court Act should not be taken against him, returnable on 24-9-2025. The petitioner shall make him party respondent in person in the present petition.

The copy of order shall be served to appointing authority of Mr. Sachin Yadav, who shall look into the matter and take appropriate action in accordance with disciplinary rules.

Learned APP shall forward the copy to appointing authority of Mr. Sachin Yadav.

Mr. Sachin Yadav shall remain present before the Court on 24-9-2025.

All concerned to act upon steno/uploaded copy of the order.”

2. In response, Mr. Sachin Yadav, Assistant Police Inspector, the Investigating Officer, appeared on 24.09.2025. He switched on to advocate of his choice. Thus, learned A.P.P. was relieved from putting forth his case.

3. The core issue was whether police officers, in the given facts and circumstances of the case, was empowered to

debit freeze the bank accounts of a businessman. As such, Mr. Yadav was made aware that police officer will have no powers to issue such directions under the provisions of Bhartiya Nagrik Nyaya Sanhita, 2023 (“BNSS”) or any other law for the time being in force. He appeared and relied upon judgment of the Supreme Court in *State of Maharashtra Vs. Tapas D. Neogy [(1999) 7 SCC 685]* and judgment of Allahabad High Court in *Devendra Kumar Vs. State of Uttar Pradesh [Criminal Misc. Writ Petition No.1049/2025]*, to contend that police officer is empowered to issue communication to concerned bank to debit freeze the accounts where suspicious transaction is reflected. Such powers, according to Mr. Yadav, have been derived from Section 106 of the BNSS [Section 102 of the Criminal Procedure Code, 1973 (“Cr.P.C.”)].

4. Learned counsel for the petitioner, in response, referred to judgment of the Kerala High Court in *Headstar Global Pvt. Ltd. Vs. State of Kerala and Ors. (Crl. M.C. No.3740/2015)*, which had an occasion to delve upon the nature of property which can be attached in terms of Section 102 Cr.P.C. The Kerala High Court considered the judgment in *Tapas D. Neogy* (supra) and rendered a categorical finding that the powers to debit freeze the account is not available to the police officer since the property mentioned under Section 102 of the Cr.P.C. will not include the bank accounts. In any case, the investigating officer is duty-bound to report seizure to the jurisdictional Magistrate, which he admittedly has not done. Further, the action of seizure is taken under Section 102 of the Cr.P.C. and not under Section 107 of the BNSS.

5. Despite such a status, when a specific query was made whether Mr. Yadav would maintain the stand that Police Officer

is empowered to debit freeze the bank account under Section 106 of the BNSS (Section 102 of the Cr.P.C.), learned counsel for Mr. Yadav, on instructions, submits that, he would.

6. We may note here that the purpose of filing present petition has been served because the bank account under question has been defreezed. We have, on 18.09.2025, however, taken note of subsequent action of freezing other accounts of petitioner's company and found it to be, prima facie, contemptuous. The investigating officer is of the view that the provisions of law prevailing, enable him to freeze the accounts.

7. We, therefore, keep this point open for decision in appropriate case.

8. At this stage, learned counsel for the petitioner submits that the communication dated 16.09.2025 so made with the bank has been challenged. The petition, however, is yet to be registered.

9. If that be so, by keeping open all the questions, the issue involved will be considered in the said petition.

10. The petition is disposed of in the above terms.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)