IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 15142 OF 2025

BETWEEN:

AXIS BANK LTD.
A BANKING COMPANY,
CARRYING ON THE BANKING
BUSINESS UNDER THE BANKING
REGULATION ACT, 1949
INCORPORATED UNDER
THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE
AT 'TRISHUL', 3RD FLOOR,
OPPOSITE SAMARTHESHWAR TEMPLE,
LAW GARDEN, ELLIS BRIDGE,
AHMEDABAD-380 006, GUJARAT.

1. AND HAVING ONE OF ITS BRANCH
OFFICE AT NO.28-1-10 AND 28-5-1,
GOVERNORPET, ELURU ROAD,
VIJAYAWADA, KRISHNA DISTRICT,
ANDRA PRADESH-520 002.

REPRESENTED BY ITS BRANCH HEAD,
MR. YELUBOLU SATYANARAYANA,
AGED ABOUT 46 YEARS.

ALSO AT: S/O VENKATESHWARA RAO,
FLAT NO.F30, 2ND FLOOR,
GANGA B BLOCK,
MEGA ESTATE APARTMENT,
ASHOK NAGAR,
NEAR TVS SHOWROOM,
PAPPULAMILL CENTRE, KANURU AUTONAGAR,

Digitally signed by LAKSHMI T
Location: High Court of Karnataka

VIJAYAWADA, YANAMALAKUDURU, NTR, ANDRA PRADESH-520 007.

…PETITIONER

(BY SRI. UNNIKRISHNAN M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
NORTH EAST CEN CRIME POLICE STATION,
NORTH EAST DIVISION, BANGALORE DISTRICT.
REPRESENTED BY SPP,
HON'BLE HIGH COURT OF KARNATAKA,
BANGALORE-01.

2. MR. VIJAY KUMAR K.S.
S/O. SHIVARAMAIAH,
AGED ABOUT 40 YEARS,
RESIDING AT NO.97, SANNIDHI,
GKVK LAYOUT, 3B PHASE,
SHIVANAHALLI, JAKKUR MAIN ROAD,
YELAHANKA,
BENGALURU-560 064.

…RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP FOR R1;
SRI. VIKAS M., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 29.08.2025 PASSED BY THE 45TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BANGALORE, IN CRIME NO.995/2024 i.e., ANNEXURE-C IN TERMS OF WHICH, THE PETITIONER IS DIRECTED TO DEFREEZE THE SAVINGS/CURRENT ACCOUNT BEARING NO.921020015199959 MAINTAINED IN THE PETITIONER'S BANK AND TRANSFER THE SAME TO THE ACCOUNT OF THE RESPONDENT NO.2.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

The Order dated 29.08.2025 passed by the learned 45th Additional Chief Judicial Magistrate, Bengaluru in Crime No.995/2024 directing the petitioner/Bank to defreeze the current account of the accused bearing No.921020015199959 maintained in the petitioner's bank and to transfer the same to the account of respondent No.2/applicant is challenged in this petition.

2. The impugned order is passed on an application filed under Section 497 and 504 of BNSS, 2023 (Section 451 and 457 of Cr.P.C.) by respondent No.2/applicant. The learned Magistrate has directed to issue intimation to the concerned I.O., to defreeze certain accounts belonging to the accused and to transfer the said amount to the account of respondent No.2. Petitioner/Bank is primarily aggrieved by the impugned order on the ground that no opportunity was afforded before passing the order.

3. It is the contention of the learned counsel for petitioner that multiple cases are registered against the accused and there are several orders directing the petitioner/Bank to defreeze the accounts and to transfer the amounts to the respective complainants and therefore, unless the petitioner was heard, it is not practicable to execute the multiple orders.

4. In the case on hand, admittedly, the amount maintained in the account of the accused is much higher than the amount claimed by the applicants including respondent No.2. However, the learned Magistrate ought to have heard the petitioner before passing the order. In an identical situation, a coordinate Bench of this Court in Crl.P No.1569/2025, taking into consideration the rival submissions has allowed the petition with certain directions.

5. Similar order can be passed in the present petition. Accordingly the following:

ORDER

(i) Petition is ***allowed***.

(ii) The order dated 29.08.2025 passed in Crime No.995/2024 by the Court of learned 45th Additional Chief Judicial Magistrate, Bengaluru is hereby set aside.

(iii) Petitioner/financial institution is granted a period of 4 weeks from today to furnish details of rival claims or multiple orders, if any. In the event such documents are placed on record, the learned Magistrate shall ensure that the order of seniority of the earlier orders is taken into consideration.

(iv) The request of the complainant, who is entitled to the benefit of the earlier order shall be prioritized and the amount shall be remitted from the account of the accused to the account of the complainant/respondent No.2 accordingly.

(v) The Learned Magistrate shall decide the application afresh within 4 weeks from the date of receipt

of the requisite details from the petitioner/Financial Institution.

Petition is ***allowed***.

I.A.No.1/2025 is disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

HB
List No.: 1 Sl No.: 54