GAHC010154042026

2026:GAU-AS:15321

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4365/2026

RABIUL ISLAM
S/O SONA MIYA, RESIDENT OF VILLAGE- TEDHARA GAON, DISTRICT - BARPETA, ASSAM, PIN- 781308

VERSUS

UNION OF INDIA AND ANR
THROUGH SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, RAISINA HILLS, DELHI- 110001

2:AXIS BANK
REPRESENTED BY ITS BRANCH MANAGER
BARPETA TOWN BRANCH
B.B. ROAD
OPPOSITE SYNDICATE BANK
BARPETA TOWN
DISTRICT- BARPETA
ASSAM - 781301

Advocate for the Petitioner : MR. NOOR KUTUB ALAM, MR C GOGOI

Advocate for the Respondent : DY.S.G.I., SC, AXIS BANK LTD.

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

12.10.2026

1. Heard Mr. N.K. Alam, learned counsel appearing for the petitioner.

2. Considering the nature of the controversy involved and the materials placed on record, the present petition is taken up for final disposal at the admission stage itself.

3. The petitioner has stated that he has been maintaining a Current Bank Account No. 925020019410870 in the name of his proprietorship firm, M/s SM Enterprise with the respondent No.2 Bank. The case of the petitioner is that he carries out the financial transactions related to the proprietorship firm with the aforesaid Bank Account. The petitioner came to learn that his Bank Account has been kept in freeze condition pursuant to a Cyber Crime complaint registered in the NCRR vide Acknowledgment No. 32204260000131 involving a transaction/credit amounting to Rs.15,000/- and there has been a suspicious transaction/credit of Rs.183.00 in the Current Bank Account of the petitioner.

4. According to the petitioner, the total disputed transaction are 6(six) in numbers and the total amount is in dispute is Rs.43,981/- and the balance in the account is around Rs.50,000/-. The petitioner accordingly, approached the concerned Branch Manager and also submitted multiple representations praying for removal of the debit restriction and for permitting him to operate the account. As no action was taken, the present

writ petition has been filed.

5. I have considered the rival submissions advanced by the learned counsel for the parties and the materials available on record.

6. It is not in dispute that the action of the respondent Bank was initiated on the basis of the information/instruction received from the Law & Enforcement Agency in connection with the investigation of a cyber offence.

7. Therefore, this Court would not be justified in issuing any direction which may have the effect of frustrating or prejudicing the investigation. At the same time, it also appears that the amount presently kept debit freeze by the respondent Bank has been quantified at Rs.43,981/- only and the materials on record do not indicate that the entire amount lying in the account represents the proceeds of the alleged fraudulent transaction or that the entire balance is required to remain under restraint for the purpose of the investigation.

8. The grievance of the petitioner, therefore, needs to be approached by maintaining a balance between the interests of bonafide investigation into cyber offence, which undoubtedly requires effective measures for the preservation of the suspected proceeds of crime and the right of an account holder to operate his Bank Account in respect of the amount which are not presently shown to be required for such an investigation.

9. A complete restraint on the operation of the account notwithstanding the fact that the respondent Bank itself has presently quantified the total disputed amount at Rs.43,981/- in the facts and circumstances of the present case is not warranted. At the same time, this Court is conscious of

the stand of the respondent Bank that the transactions in the said account require scrutiny and that the petitioner has not furnished all documents sought to establish the nature of his business activities. Those are the matters which may appropriately be examined by the competent investigating agency.

10. The present order therefore shall not be construed as expressing any opinion on the nature of legality of the present transactions in the account or on the merits of any investigation.

11. Accordingly, the respondent Bank is directed to permit the petitioner to operate his Savings Bank Account bearing Current Bank Account No. 925020019410870 in the name of his proprietorship firm, M/s SM Enterprise with the respondent No.2 Bank, subject to the total disputed amount of Rs.43,981/- which shall continue until an appropriate order is passed by the competent investigating authority or until the lien is otherwise lawfully removed.

12. The respondent Bank shall, however, be at liberty to act upon any further lawful order or instruction issued by the competent investigating agency or any Court of competent jurisdiction in connection with the investigation.

13. The petitioner shall also furnish an appropriate undertaking/bond before the respondent Bank to indemnify it against any loss or liability, which may arise on account of any fraudulent or unlawful transaction attributable to the petitioner in connection with the aforesaid account.

14. It is made clear that this order shall not prevent the competent investigating agency from proceeding with the investigation in accordance

with law including taking steps in respect of the account as may be permissible under law.

15. The instant writ petition stands disposed of with the aforesaid terms.

JUDGE

Comparing Assistant