

GAHC010239862025



2026:GAU-AS:3421

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

Case No. : WP(C)/6204/2025

RAM SHARMA
S/O BALARAM SHARMA, R/O.- GUWAHATI AIRPORT, VIP CHOWK,
BORJHAR, GUWAHATI-781015, KAMRUP METRO, ASSAM

VERSUS

STATE BANK OF INDIA AND 3 ORS
HAVING ITS REGISTERED OFFICE AT AT STATE BANK BHAWAN, M. C.
ROAD, NARIMAN POINT, MUMBAI-400021, MAHARASTHRA.

2:THE BRANCH MANAGER
GUWAHATI AIRPORT BRANCH
VIP CHOWK
GUWAHATI AIRPORT
BORJHAR
GUWAHATI
KAMRUP METRO
PIN- 781015.

3:THE OFFICER IN CHARGE
SHO PATANCHERU SANGAREDDY DISTRICT TELENGANA- 502319.

4:THE INVESTIGATING OFFICER
SHO PATANCHERU SANGAREDDY DISTRICT TELENGANA- 502319

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the petitioner(s): Ms. S Yasmin

Advocate for the respondent(s): Mr. A Parvez for State Bank of India

Date on which Judgment is reserved : NA

Date of Pronouncement of Judgment : **06.03.2026**

Whether the Pronouncement is of the : NA

Operative Part of the Judgment

Whether the Full Judgment has been : Yes

Pronounced

JUDGMENT & ORDER (ORAL)

Heard Ms. S Yasmin, learned counsel appearing on behalf of the petitioner. Also heard Mr. A. Parvez, the learned counsel for the No.1 i.e. State Bank of India; Mr. K Gogoi, the learned CGC is present on behalf of Union of India.

2. The petitioner is a businessman by profession and running a grocery shop in the name of 'Ram Store' at Guwahati Airport, VIP Chowk, Borjhar, Guwahati. For the said purpose, the petitioner is maintaining a saving account bearing A/C No.43135253711 with the respondent State Bank of India.

3. The grievance of the petitioner in the instant writ petition is that the petitioner had a credit of more than Rs.6,00,000/-. However, after September 2025, the petitioner was not allowed to operate his saving account. On enquiry, the petitioner was informed that the said account was freezed on account of a complaint received from the respondent No.3. The petitioner was informed that there were two fraudulent transactions of an amount of Rs.40/- and 200/- respectively which were credited to the petitioner's account on 11.04.2025 and

30.04.2025. Accordingly, the saving account of the petitioner was freezed alleging fraudulent transactions done through it.

4. The petitioner made various verbal requests for unfreezing his account but the respondent Bank did not take any action till date. Under such circumstances, the petitioner has approached this Court by filing the instant writ petition.

5. Ms. S Yasmin, the learned counsel appearing on behalf of the petitioner has submitted that the petitioner is running a legal business and there is no fraudulent transaction of any kind related to the aforesaid bank account. The learned counsel for the petitioner further submits that the action has been taken without giving any prior notice to the petitioner, which has caused immense prejudice to the petitioner. The learned counsel for the petitioner submitted that the transaction in question involves too meager amounts of Rs.40 and Rs.200/- which appears to be a part of a fraudulent transaction involving the aforesaid saving account of the petitioner.

6. In this regard, the learned counsel for the petitioner has submitted that in similarly situated matters, there has been direction for keeping in lien the disputed amounts and allowing the incumbents to run their respective bank accounts.

7. In support of her submissions, the learned counsel has relied upon the following case laws:

i) WP No. 25631/2024 (Mohammed Saifullah Vs. Reserve Bank of India & Ors.) [The High Court of Judicature at Madras];

ii) WP(C)/17905/2024 & CM Appl./2640/2025 (Neelkanth Pharma Logistics Pvt. Ltd.Vs. Union of India Anr.) [The High Court of Delhi at New Delhi] &

iii) Crl. Writ Pettition No. 321/2025 (Mr. Kartik Yogeswar Chatur Vs. Union

of India & Ors.) [The High Court of Judicature at Bombay, Nagpur Bench, Nagpur].

8. In the case of *Mohammed Saifullah* (supra), the Hon'ble Madras High Court had observed that under the guise of investigation, order of freezing of the entire account without quantifying amount or period cannot be passed as the same would be in violation of the fundamental rights.

9. In the case of *Neelkanth Pharma Logistics Pvt. Ltd.* (supra), the Hon'ble Delhi High Court has made an observation that a balance was required to be struck regarding the rights of a complainant *vis-a-vis* the rights of an innocent and unwary account holder who is made to suffer unwarranted hardships due to blanket freezing of bank account.

10. In the case of *Mr. Kartik Yogeswar Chatur* (supra), the Hon'ble Bombay High Court was dealing with the aspect of the provisions of Section 106 of the BNSS *vis-a-vis* the order of attachment / freezing of a bank account.

11. Mr. A Parvez, learned counsel for the respondent No.1 Bank has submitted that the action taken is strictly in accordance with law and as per the direction of the respondent Nos. 3 & 4. He has submitted that at this stage it is not known about the magnitude of the fraudulent transactions in which, the aforesaid account of the petitioner may be involved and the amount quantified at this stage may not be the final amount. He has also submitted that in the event this Court grants any relief to the petitioner, some kind of condition be imposed in public interest.

12. After consideration of the rival submissions, it transpires that the impugned action for freezing of the bank account of the petitioner has been done on a complaint received by the respondent No.1 from the respondent Nos. 3 and 4.

13. This Court has heard the learned counsels appearing on behalf of the parties and has also given an anxious consideration of the respective submissions.

14. This Court is of the opinion that interest of justice would be met if the petitioner is allowed to operate the aforesaid saving account in question with certain conditions. This Court is also of the view that in a given case, a balance is required to be struck between the interest of the investigation on cyber fraud which is creating a menace and the interest of a *bona fide* and innocent account holder.

15. This Court, accordingly observes that while the petitioner should be allowed to operate the aforesaid saving account, but the amount of Rs.40/- and 200/- be kept in lien which the petitioner also admits that he has knowledge how the said amounts were credited to his account.

16. The writ petition accordingly stands disposed of with the following observations and directions:

(a). The saving account of the petitioner bearing A/C No.43135253711 in State Bank of India, Guwahati Airport Branch is directed to be defreezed forthwith.

(b). The respondent No.1 shall keep a lien on the amounts of Rs.40/- and Rs.200/- respectively till further directions are not issued by the respondent Nos.3 and 4.

(c). There shall be no order as to costs.

JUDGE

Comparing Assistant