

D/L 19
07.05.2026
Rohit,A.R.(Ct.)
ct.no.25

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 7982 of 2026

**Subhro Paul & Anr
Versus
Indusind Bank Limited & Ors.**

Mr. Diganta Das
Mr. Himan Bhowmick
Ms. Sukanya Chowdhury

...for the Petitioner

Mr. Arnab Basu

...for the Respondent No. 1

1. The petitioner has filed the present writ application praying for a direction upon the respondent bank to defreeze the current account of the petitioner being A/c no. 201030667982.
2. Counsel for the petitioner submits that the petitioner is maintaining the above mentioned current account in the respondent bank but all of a sudden on 4th of March, 2026 the bank has freezed the account of the petitioner due to which the petitioner's business has been totally stopped. The petitioner has made several request to the bank as well as the concerned authorities but till date the

authorities have not de-freeze the account of the petitioner.

3. It is found from the record that the bank has freeze the account of the petitioner on the instruction of the Superintendent of Police, Puri District, Police Headquarters, Odisha. Accordingly in terms of the order passed by this Court the petitioner has made the Superintendent of Police, Puri District, Police Headquarters, as respondent no. 4 and served a notice upon the respondent no. 4 and filed affidavit-of-service but in spite of service of notice none appears on behalf of the added respondent.
4. The petitioner submitted that the bank has freeze the account of the petitioner only on the instruction of the police authorities but without any order from any Court. He relied upon the judgment passed by this Court in the case of ***Tamasha Samanta-Vs-Union of India & Ors.*** passed in WPA No. 19956 of 2025 dated 9th December, 2025 and in the case of ***Kartik yogeshwar Chatur-Vs- Union of India & Ors*** passed in Criminal Writ Petition No. 321 of 2025 by the Bombay High Court and submit that both the Courts have categorically held that the investigating

agency or any authority cannot freeze the account of the petitioner without the order of the Court and in the instant case also neither the bank nor the police authorities have produced any order from the Court by which the account of the petitioner has been freezed.

5. Learned Counsel appearing for the bank submits that the bank has acted upon the receipt of the complaint from the Odisha Police and as such unless and until the authority will not pass any order or direct the bank to de-freeze the account of the petitioner, it is not possible for the bank to de-freeze the account of the petitioner.
6. Heard the learned counsel for the respective parties and perused the materials on record.
7. This Court find that in the case of **Kartik Yogeshwar Chatur** (supra) the Hon'ble Division Bench of the High Court of Nagpur dated 20th November, 2025 relying upon the judgment passed by the Kerala High Court in the case of **Headstar Global Pvt. Limited – Vs- State of Kerala & Ors** passed in Criminal Misc Case no. 3740 of 2025 dated 2nd June, 2025 held that the police office investigating a crime has to approach jurisdictional magistrate under Section 107 of

the BNSS to seek attachment of any property believed to be derived directly or indirectly from a criminal activity or commission of an offence. Subsequent course will have to be adopted in terms of the order passed by the Magistrate. The Court further clarified that while Section 106 speaks of seizure, Section 107 deals with the attachment, forfeiture and restoration. The seizure under Section 106 can be carried out by the police officer and *ex post facto* report submitted to the Magistrate. On the other hand, attachment under Section 107 can be effected only upon the order of the Magistrate. The logic behind the distinction being the purpose of seizure is more to secure the evidence during the investigation, whereas attachment is intended to secure the proceeds of crime by preventing its disposal and thus ensuring the availability of all legal procedure such as forfeiture and distribution to the victims.

8. Considering the above this Court find that in the present case the bank has freezed the account of the petitioner on the instruction of the police authority. This Court has issued a notice to the police authority but the police authorities failed to appear before this Court.

Neither the bank nor the authorities have produced any document that during the investigation the police authorities have obtained any order from the Magistrate for attachment or freezing of the account of the petitioner. Considering the above this Court directs the bank to de-freeze the account of the petitioner and to allow the petitioner to operate the bank account by keeping the disputed amount of Rs. 1,10,011/- in lien till further order of the investigating agency or by this Court.

9. Accordingly, WPA 7982 of 2026 stands disposed of.
10. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Krishna Rao, J.)