

JPD-2
27.04.2026
Ct. No.06
spal/s.bag

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 554 of 2026

RATAN GUPTA
VS.
STATE BANK OF INDIA AND ORS.

Mr. Sunil Roy, Adv.
Ms. Nikhat Parveen, Adv.
Mr. Mayank Bhandari, Adv.
...for the petitioner.

Mr. Prasanta Joardar, Adv.
Ms. Esha Acharya, Adv.
...for the respondent no.1.

1. The grievance of the petitioner is directed against the arbitrary and unlawful action of the respondent State Bank of India in debit freezing the account of the petitioner for more than 8 (eight) months.
2. Briefly, the petitioner is running a bakery shop in the name and style of "Muffin House The Cake Shop". In course of carrying on such business, the petitioner had opened a bank account with the State Bank of India being A/c No.31347248824.
3. In or about July 2025, the petitioner was suddenly informed that he was not permitted to withdraw or debit any amount from the said account. Upon making enquiries from the bank,

the petitioner was told that there was a debit freeze by the bank for an amount of Rs. 2310/- credited into his account on 14th April 2025 which had been informed to the respondent bank by a letter issued under sections 94 read with 106 of the Bharatiya Nyaya Sanhita, 2023.

4. It also transpires that the impugned action was taken by the respondent no. 3 pursuant to a criminal complaint registered by the police authorities at Vedayapalem. It appears from the communication dated 24 July, 2025 issued by the respondent State Bank of India that the debit freeze has been directed in respect of transactions for Rs. 2310/-(770 x 3) on the basis of a cybercrime complaint dated 14 July, 2025 received from the MHA portal.
5. Upon coming to learn of the above facts, the petitioner alleges to be a victim of a cybercrime whereby a third party has made payment to the petitioner using the UPI platform in the garb of purchasing bakery items from the petitioner's shop. Thereafter, the petitioner had repeatedly written to the Investigating Authorities, but has received no response.
6. In this background in view of the arbitrary and unilateral action of the respondent nos. 1 to 3, in debit freezing the entire account of the petitioner without any prior intimation, the

petitioner has been compelled to institute the present writ petition complaining of serious inconvenience and disruption of his business. The blanket order of debit freeze is violative of the fundamental rights of the petitioner as enshrined under 19(1)(g) and Article 21 of the Constitution of India.

7. The issue of cybercrime which is raised in this petition is now of common occurrence whereby citizens are suddenly informed of freezing of their bank accounts in the light of instructions from the local police or from the National Cybercrime Portal.
8. This is a case where the petitioner's bank account has been frozen and the petitioner despite making repeated attempts has been unable to receive any response from any of the investigative agencies. In the guise of investigation, a blanket ban without quantifying the amount and the period can cause incalculable prejudice and injury to any citizen. Such orders also infringe on the right to carry on trade and business as well as of livelihood.
9. Notwithstanding the respondent bank having informed the petitioner as to the steps to be followed to remove the debit freeze instruction and the petitioner having complied with the

same, there has been a total stalemate in the matter.

10. The respondent bank is awaiting a No Objection Certificate from the Investigating Authorities and has failed to receive any response. The petitioner relies on diverse correspondence exchange with each of the entities and/or e-mail ids provided by the respondent bank but has still not received a response. Such stalemate cannot continue *ad infinitum*. It is true that such investigation may take time. However, this does not mean that the entire operations of the petitioner are stalled and the petitioner is made to suffer irreparable damage and prejudice to his business operations [*Md. Akbar Ali Khan & Ors. vs. The State of West Bengal and Ors.* 2013 SCC Online Cal 10178, *Pawan Kumar Rai vs. Union of India and Anr.* 2024 SCC OnLine Del 8936, *Neelkanth Pharma Logistics Pvt. Ltd. vs. Union of India and Anr.* 2025 SCC OnLine Del 1055 and *Mohammed Saifullah vs. Reserve Bank of India and Ors.* 2024 SCC OnLine Mad 5604].
11. In such circumstances, the petitioner has been able to make out a strong prima facie case in its favour. The balance of convenience and irreparable injury is also in favour of orders being passed as prayed for herein.

12. The respondent bank is directed to confine its order of freeze against the above account of the petitioner only to the extent of the amount mentioned in the letter dated 25 July 2025 *i.e.* Rs. 2310/-. The petitioner is entitled to deal with the above account and transactions beyond the above limit. To the above extent, WPA/554/2026 stands allowed.

(Ravi Krishan Kapur, J.)