IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6520 OF 2026

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 REGISTRED OFFICE AT 'TRISHUL'
3RD FLOOR, OPP: SAMARTHESHWAR TEMPLE,
LAW GARDEN, ELLIS BRIGE,
AHMEDABAD - 380 006
GUJARAT

AND HAVING ONE OF ITS BRANCH OFFICE
AT KHATA NO. 46/212, PLOT NO. 74,
GHASIPURA MARKET ROAD,
NEAR BANK OF INDIA, ANANDAPUR
KEONJHAR
ODISHA – 758 015

REPRESENTED BY ITS BRANCH HEAD
MR. JAYANTA KUMAR NAYAK
AGED ABOUT 33 YEARS.

ALSO AT:
C/O ARUN KUMAR NAYAK GORAMATI
SABARANG GORAMATI, BHADRAK

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

ODISHAM – 756 123.

…PETITIONER

(BY SRI UNNIKRISHNAN M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY WHITEFILED CEN CRIME POLICE STATION
   WHITEFIELD DIVISION,
   BENGALURU DISTRICT
   REPRESENTED BY SPP
   HON'BLE HIGH COURT OF KARNATAKA
   BENGALURU – 01.

2. MR. KARTIK KEMBHAVI
   S/O NAGARAJ KEMBHAVI
   AGED ABOUT 33 YEARS,
   RESIDING AT RPS RESIDENCY
   FLAT NO.202, RAGAM MEGA STORE
   MARUTHI LAYOUT, CHINNAPANAHALLI
   KUNDANAHALLI
   BENGALURU – 560 037
   KARNATAKA.

…RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO SET ASIDE THE ORDER DATED 31.01.2026 PASSED BY THE HON'BLE 47TH ADDL.CJM BANGALORE IN CRIME NO.792/2025 I.E., ANNEXURE-C IN TERMS OF WHICH THE PETITIONER IS DIRECTED TO DEFREEZE THE SAVINGS/CURRENT ACCOUNT BEARING NO.925020034914195 MAINTAINED IN THE PETITIONER'S BANK AND TRANSFER THE

SAME TO THE ACCOUNT OF THE RESPONDENT NO.2 I.E., A/C 50100126185211, HDFC BANK BANGALORE.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Heard Sri Unnikrishnan M., learned counsel for the petitioner and Sri. B.N. Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1.

2. Learned counsel appearing for the petitioner submits that in all identical cases coordinate benches have allowed the petitions and remitted the matter back to the office of the learned Magistrate to permit the petitioner to file his objections with liberty to appear and then consider applications filed under Sections 497 and 503 of the BNSS, 2023.

3. I deem it appropriate to quote the orders so passed in Crl.P.No.1787/2023 dated 14.12.2023:

"ORDER

The Petitioner which is a Financial Institution is before this Court challenging the order passed

by 1st Additional Chief Metropolitan Magistrate on an application filed under Sections 451 and 457 of Cr.P.C. by the complainant/respondent No.2 directing the petitioner-Bank to defreeze the amount belonging to the accused and transfer the said amount to the bank account of the complainants/respondent No.2.

2. The petitioner's concern is that the order passed by the Jurisdictional Magistrate cannot be executed because it surpasses the specified release amount, and numerous courts across the Country have issued directives to the investigating agencies to unfreeze the bank accounts of the accused therein.

3. Learned Special Public Prosecutor on instructions would suggest that the matter may be remanded to the Jurisdictional Courts to consider the application filed under Sections 451 and 457 of Cr.P.C. afresh, by affording an opportunity of hearing to the petitioner.

4. Admittedly, multiple cases are registered against the accused herein within the State and across the country and there are multiple orders passed by the Jurisdictional Magistrates directing the petitioner to unfreeze the account of the accused and transfer the amount to the bank account of the complainants. The passing of multiple orders has caused difficulty to the petitioner/bank in executing the said order, since the amount ordered to be released in some accounts exceeds the amount available in the subject accounts of the accused. Therefore, the learned Magistrate before passing an order directing the petitioner to unfreeze and transfer the amount to the accounts of the complainants, is required to hear the petitioner. Accordingly, I pass the following:

ORDER

i. Criminal Petition is **allowed**.

ii. The order dated 26.11.2021 passed by the 1st Additional Chief Metropolitan Magistrate, Bengaluru in Cr.No.452/2021 is hereby set aside.

iii. Matter is remanded to 1st Additional Chief Metropolitan Magistrate, Bengaluru to reconsider the application filed under Sections 451 and 457 of Cr.P.C. afresh, after giving the opportunity of hearing to the petitioner.

iv. Till the application is disposed of, the petitioner/bank is restrained from releasing the money in favour of any person from the subject account."

In Crl.P.No.13487/2023 c/w. Crl.P.Nos. 10201/2023, 12091/2023, 13483/2023, 13489/2023, 13611/2023, 13627/2023, 13940/2023, 13955/2023, 98/2024, 128/2024, 356/2024, 357/2024 dated 12.02.2024:

"7. Having heard the arguments of both side, perused the records. The Trial Courts have passed the impugned orders in these cases for de-freezing the accounts of the customers and releasing the amounts, without giving opportunity of hearing to the petitioner - Bank. If the orders of the Magistrate are not complied with, it amounts to violation of court order and they face contempt. Therefore, before de-freezing the accounts, it is necessary for the Trial Court to give opportunity to the petitioner of being heard in the matter and then pass appropriate orders since some of the customers do not have any amounts in their accounts and some of the customers are having lesser amount or zero balance. Hence, it is necessary for this Court to set aside the impugned orders with liberty to the petitioner to approach the

various courts and after hearing the petitioner - Bank, the Courts can pass appropriate orders.

8. Accordingly, I pass the following:

ORDER

(i) These Criminal Petitions are allowed.

(ii) The impugned orders passed by the Trial Court given in the tabular form below are hereby set aside:

Sl. No.	Crl. P. No.	Impugned order dated	Addl. Chief Metropolitan Magistrate	CR. No.
1	13487/2023	17/02/2023	I A.C.M.M.	1213/2022
2	10201/2023	07/07/2023	C.J.M., BANGALORE RURAL DIST.	Crl. Misc. No.177/2022
3	12091/2023	05/01/2023	II Addl. Sr. Civil Judge and JMFC Chikkaballapura	CR. No. 45/2022
4	13483/2023	13/10/2023	I A.C.M.M.	CR. No. 200/2023
5	13489/2023	11/08/2023	I A.C.M.M.	CR. No. 124/2023
6	13611/2023	30/09/2023	I A.C.M.M.	CR. No. 196/2023
7	13627/2023	12/04/2023	I A.C.M.M.	CR. No. 02/2023
8	13940/2023	18/07/2023	I A.C.M.M.	CR. No. 1060/2022
9	13955/2023	15/08/2023	I A.C.M.M.	CR. No. 05/2023
10	98/2024	08/08/2023	I A.C.M.M.	CR. No. 1051/2023
11	128/2024	24/07/2023	I A.C.M.M.	CR. No. 969/2022
12	356/2024	31/07/2023	C.J.M., BANGALORE RURAL DISTRICT	CR. No. 197/2023
13	357/2024	07/06/2023	I A.C.M.M.	CR. No. 136/2023

(iii) The Trial Court is directed to hear the petitioner and the respondents and dispose of the matters in accordance with law, afresh.

(iv) Till disposal of the cases by the Trial Court, the petitioner-Bank is restrained from releasing the amounts of de-freezed accounts of customers or complying the order of the Magistrate."

In the light of the orders passed by the coordinate benches as quoted hereinabove, as also same was being held in other cases, I deem it appropriate to dispose of this petition by passing the following:

ORDER

a. Criminal Petition is **allowed**.

b. The order dated 31.01.2026 passed by the 47th Additional Chief Judicial Magistrate, Bengaluru, in Cr.No.792/2025 is hereby set aside.

c. Matter is remanded to the 47th Additional Chief Judicial Magistrate, Bengaluru to reconsider the application filed under Sections 497 and 503 of the BNSS, 2023 afresh, after affording opportunity of hearing to the petitioner.

d. Till the application is disposed of, the petitioner/bank is restrained from releasing

the money in favour of any person from the subject account.

e. In the light of the issue pending for such consideration, I deem it appropriate to direct the concerned Court to dispose the application so filed under Sections 497 and 503 of the BNSS as expeditiously as possible, at any rate, within eight weeks from the date of receipt of copy of this order.

Ordered accordingly.

I.A.No.1/2026 is disposed, as a consequence.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
List No.: 5 Sl No.: 10