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

Case No. : WP(C)/3582/2024

HAYAT AUTO WORLD

A REGISTERED PROPRIETOR FIRM HAVING ITS REGISTERED OFFICE AT
HATIGAON, NEAR HATIGAON HIGH SCHOOL, GUWAHATI, PIN- 781038,
KAMRUP METROPOLITAN DISTRICT, ASSAM, REPRESENTED BY ITS
PROPRIETOR- ARIF JAKARIA LASKAR (AGED ABOUT 48 YEARS), SON OF
LATE M.S. LASKAR, RESIDENT OF 22 ANUPAM NAGAR, HATIGAON, PIN-
781038, KAMRUP METROPOLITAN DISTRICT, ASSAM.

VERSUS

THE STATE BANK OF INDIA AND 3 ORS.
REPRESENTED BY THE CHIEF GENERAL MANAGER,
HEAD OFFICE, DISPUR, GUWAHATI,
PIN- 781006, KAMRUP METROPOLITAN DISTRICT,
ASSAM.

2:THE BRANCH MANAGER
STATE BANK OF INDIA
HATIGAON BRANCH
GUWAHATI

PIN - 781038
KAMRUP METROPOLITAN DISTRICT

ASSAM.

3:THE OFFICER-IN-CHARGE
CYBER CRIME POLICE STATION
CYBERABAD
PIN- 500081
DISTRICT- HYDERABAD
TELENGANA.

4:THE OFFICER-IN-CHARGE
CYBER CRIME POLICE STATION
JHANSI
PIN- 284002
DISTRICT- JHANSI

UTTAR PRADESH

Advocate for the Petitioner : MR. P K MUNIR, MR. A. GAYAN

Advocate for the Respondent : SC, SBI, MR P GOGOI, MR. D GOSWAMI, SC SBI, MR. A K SAHEWALLA(R- 1,2), MR. W SHARMA(R- 1,2)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17.12.2024

Heard Mr. P.K. Munir, learned counsel for the petitioner. Also heard Mr. A.K. Sahewalla, learned counsel for the respondent no.1 & 2 and Mr. M.K. Phukan, learned Additional Public Prosecutor, Assam, who has appeared before the Court at the request of the Court passed in earlier order.

The petitioner is aggrieved by the impugned communication dated 07.03.2024 whereby his current Bank Account No.35042841162 maintained in the State Bank of India, Hatigaon Branch has been freezed. It is submitted that the Bank Account of the petitioner came to be freezed by the Bank Authorities pursuant to the communication received from the Jhansi Cyber Crime Police Station, Uttar Pradesh. The petitioner has represented before the Authorities to permit him to operate his bank account but the same not having been done therefore the present writ petition has been filed.

Pursuant to the notice issued by the Court, a report is received from the office of the Officer-in-Charge, Cyber Crime Police Station, Jhansi Uttar Pradesh

and in the said report it is mentioned that an amount of Rs.7,20,000/- (Rupees Seven Lakh Twenty Thousand only) was transferred to the account number of the petitioner from the ICICI Bank Account No.77201505712 which belonged to One Joseph Keshu. The report further indicates that out of this total amount of Rs.7,20,000/- (Rupees Seven Lakh Twenty Thousand only), an amount of Rs.3,00,000/- (Rupees Three Lakh only) is found to be the amount disputed in respect of the complaint filed by the complainant before the said police station. Under such circumstances, since the investigation is carried on, the Bank has been requested to keep freeze the Bank account of the petitioner.

Although notices have been issued to the respondent nos. 3 & 4, save and except the report which has been placed before the Court, no further information is forthcoming. They are also not represented by their respective counsel. There is no information placed before the Court as to the status of the investigation carried on by the respondent nos. 3 & 4.

Learned counsel for the petitioner submits that since he is carrying on a business of used car vehicles and for smooth operation of his business he needs to have his bank account unfreezed as the same is required to carry on his business activities.

In view of the above, let the petitioner submit sufficient Bank guarantee to the tune of Rs.3,00,000/- (Rupees Three Lakh only) and the petitioner as well as the respondent Bank will ensure that the petitioner maintains a balance of Rs.4,00,000/- (Rupees Four Lakh only) consistently in the said Bank during the pendency of the writ petition. If the directions are carried on by the petitioner to the satisfaction of the respondent Bank then the petitioner may be allowed to operate his current Bank Account No.35042841162 maintained in the State Bank of India, Hatigaon Branch.

On the next returnable day, the respondents Bank Authorities will apprise this Court on the status of the investigation, if carried out.

The Court records its appreciation for Mr. M.K. Phukan, learned Additional Public Prosecutor, Assam who has appeared and assisted the Court as per the request of the Court.

Let the matter be listed after 4 (four) weeks.

JUDGE

Comparing Assistant