



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**  
**CRIMINAL PETITION NO. 4146 OF 2026**  
**(482(Cr.PC) / 528(BNSS))**

**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 REGISTERED OFFICE  
AT 'TRISHUL, 3RD FLOOR, OPP SAMARTHESHWAR  
TEMPLE, LAW GARDEN, ELLIS BRIDGE  
AHMEDABAD 380 006, GUJARAT.

AND HAVING ONE OF ITS BRANCH OFFICE  
AT D.NO.12-2-32, VINAYAKA COMPLEX  
DANTUVARI STREET, KAKINADA  
ANDHRA PRADESH 533 001.

REPRESENTED BY ITS BRANCH HEAD

MR. CHERUKUPALLI LAKSHMI NARASIMHA SESTRY  
AGED ABOUT 46 YEARS.

ALSO AT: S/O MOHANA RAMAKRISHNASASTRY  
LATE 16-19-166, MAIN ROAD, OLD GUNTUR  
OPP STATE BANK OF INDIA GUNTUR  
PO. KOTHAPETA (GUNTUR) DIST  
GUTUR ANDHAR PRADESH - 522 001.

...PETITIONER

(BY SRI UNNIKRISHNAN M, ADV.)

**AND:**

1. THE STATE OF KARNATAKA BY  
WHITEFIELD CEN CRIME POLICE STATION  
WHITEFIELD DIVISION, BANGALORE CITY.





REPRESENTED BY SPP  
HON'BLE HIGH COURT OF KARNATAKA  
BANGALORE - 01.

2. MR. AMIT KUMAR CHAKROBORTY  
S/O LATE KRISHNA LAL CHAKROBORTY  
RESIDING AT FLAT NO.6  
AGED ABOUT 48 YEARS, VIGNANANAGAR  
VAR APARTMENT, BENGALURU - 560 075.

...RESPONDENTS

(BY SMT. B. PUSHPALATHA, LERNED ADDL. SPP FOR R-1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER DTD 11.12.2025, PASSED BY THE HONBLE ACJM, BENGALURU IN CR.NO.575/2025 i.e ANNEXURE-C IN TERMS OF WHICH THE PETITIONER IS DIRECTED TO DEFREEZE THE SAVINGS/ CURRENT ACCOUNT BEARING A/C NO.925020040009654 MAINTAINED IN THE PETITIONER BANK AND TRANSFER THE SAME TO THE ACCOUNT OF RESPONDENT NO.2 i.e A/C NO.8650101003791 CANARA 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 Smt. Pushpalatha B., learned Additional State Public Prosecutor appearing for respondent No.1 and have perused the material on record.

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 451 and 457 of Code of Criminal Procedure, 1973.

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 CrI.P.No.13487/2023 c/w. CrI.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.,<br>BANGALORE<br>RURAL DIST.                     | Crl. Misc.<br>No.177/2022 |
| 3       | 12091/2023  | 05/01/2023           | II Addl. Sr. Civil<br>Judge and JMFC<br>Chikkaballapura | CR. No.<br>45/2022        |
| 4       | 13483/2023  | 13/10/2023           | I A.C.M.M.                                              | CR. No.<br>200/2023       |
| 5       | 13489/2023  | 11/08/2023           | I A.C.M.M.                                              | CR. No.<br>124/2023       |
| 6       | 13611/2023  | 30/09/2023           | I A.C.M.M.                                              | CR. No.<br>196/2023       |
| 7       | 13627/2023  | 12/04/2023           | I A.C.M.M.                                              | CR. No.<br>02/2023        |
| 8       | 13940/2023  | 18/07/2023           | I A.C.M.M.                                              | CR. No.<br>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.<br>1051/2023 |
| 11 | 128/2024 | 24/07/2023 | I A.C.M.M.                             | CR. No.<br>969/2022  |
| 12 | 356/2024 | 31/07/2023 | C.J.M.,<br>BANGALORE<br>RURAL DISTRICT | CR. No.<br>197/2023  |
| 13 | 357/2024 | 07/06/2023 | I A.C.M.M.                             | CR. No.<br>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-frozen 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 11.12.2025 passed by the 47<sup>th</sup> Additional Chief Judicial Magistrate, Bengaluru in Cr.No.575/2025 is hereby set aside.



- c. Matter is remanded to 47<sup>th</sup> Additional Chief Judicial Magistrate, Bengaluru to reconsider the application filed 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 as expeditiously as possible, at any rate, within eight weeks from the date of receipt of copy of this order.

Ordered accordingly.

**Sd/-**  
**(M.NAGAPRASANNA)**  
**JUDGE**