

GAHC010089042025



2025:GAU-AS:16900

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

Case No. : WP(C)/2288/2025

M/S NEPALI CUTTING MEAT SHOP
REP BY ITS PROPRIETOR ISRAFIL ALI, 28 YEARS, R/O MALAHU NO 2 PS
BHURAGAON MORIGAON, ASSAM 782121

VERSUS

BANK OF MAHARASHTRA AND 4 OTHERS
HEAD OFFICE, LOKMANGAL, 1501, SHIVAJINAGAR, PUNE 411005

2:BANK OF MAHARASHTRA ZONAL OFFICE
GUWAHATI ZONE 1ST FLOOR DWARAKA CENTRE LACHIT NAGAR SANI
RAM BORA PATH BORA SERVICE ULUBARI G S ROAD KAMRUP METRO
GUWAHATI 7 ASSAM

3:THE BRANCH MANAGER
BANK OF MAHARASHTRA MALIGAON BRANCH GUWAHATI DIST
KAMRUP METRO ASSAM PIN 781011

4:THE UNION OF INDIA
REP BY ITS SECRETARY MINISTRYH OF HOME AFFAIRS MHA NRTH
BLOCK GOVT OF INDIA NEW DELHI 110001

5:INDIAN CYBER CRIME
COORDINATION CENTRE I4C 5TH FLOOR NDCC II BUILDING JAI SINGH
ROAD NEW DELHI 11000

Advocate for the Petitioner : MR. S MITRA, MR S.MITRA,MR A K BORO,MR. R. RAMEEZ

Advocate for the Respondent : DY.S.G.I., MS S DEY(R-1 TO 3),MR. K K NANDI (R-1 TO 3)

BEFORE
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri Shri S. Mitra, Advocate.

**Advocate for the respondents : Shri K.K. Nandi, Advocate, Bank of
Maharashtra &
Ms. R Devi, C.G.C.**

**Date on which judgment is : 08.12.2025
Reserved.**

**Date of pronouncement of : 08.12.2025.
Judgment.**

**Whether the pronouncement : NA.
is of the operative part of the
judgment?**

**Whether the full judgment : Yes.
has been pronounced?**

JUDGMENT & ORDER (Oral)

Heard Shri S Mitra, learned counsel for the petitioner. Also heard Shri KK Nandi, learned counsel appearing for the Bank of Maharashtra as well as Ms. R Devi, learned CGC.

2. Considering the facts and circumstances involved and also as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

3. As per the facts projected, the petitioner is a micro enterprise and is engaged in selling of meat at its place of business at Maligaon, Guwahati. In connection with the said business, the petitioner maintains a current bank account, being Account No. 60509775940 with the respondent-Bank in its Maligaon Branch which is under operation since October, 2024. It is averred that there is a credit of more than Rs. 12 lakhs. However, since January, 2025, debit transactions were stopped and on an enquiry, the petitioner was informed that the said account was frozen upon a complaint received from the National Cyber Crime Reporting Portal (NCCRP). The petitioner had submitted a representation followed by a complaint to the Banking Ombudsman, Reserve Bank of India which was rejected vide an email dated 28.03.2025.

4. Assailing the said action, Shri Mitra, learned counsel for the petitioner has submitted that the petitioner is running a legal business and there is no fraudulent transaction of any nature related to the aforesaid bank account. He has submitted that the action has been taken without any notice and information and has caused immense prejudice to the petitioner. He has submitted that from the affidavit filed by the respondent nos. 1, 2 and 3, it transpires that an amount of Rs.17,040/- appears to be a part of a fraudulent transaction involving the aforesaid current account of the petitioner. In this regard, he has submitted that in similarly situated matters, there has been direction for keeping in lien the disputed amounts and allowing the incumbents to run their respective bank accounts. In support of his submissions, the learned counsel has relied upon the following case laws:

i) WP No. 25631/2024 (*Mohammed Saifullah Vs. Reserve Bank of India & Ors.*) [The High Court of Judicature at Madras];

ii) WP(C)/17905/2024 & CM Appl./2640/2025 (*Neelkanth Pharma Logistics Pvt. Ltd.*

Vs. Union of India Anr.) [The High Court of Delhi at New Delhi] &

iii) Crl. Writ Pettition No. 321/2025 (*Mr. Kartik Yogeswar Chatur Vs. Union of India & Ors.*) [The High Court of Judicature at Bombay, Nagpur Bench, Nagpur].

5. In the case of *Mohammed Saifullah (supra)*, the Hon'ble Madras High Court had observed that under the guise of investigation, order of freezing of the entire account without quantifying amount or period cannot be passed as the same would be in violation of the fundamental rights.

6. In the case of *Neelkanth Pharma Logistics Pvt. Ltd. (supra)*, the Hon'ble Delhi High Court has made an observation that a balance was required to be struck regarding the rights of a complainant *vis-a-vis* the rights of an innocent and unwary account holder who is made to suffer unwarranted hardships due to blanket freezing of bank account.

7. In the case of *Mr. Kartik Yogeswar Chatur (supra)*, the Hon'ble Bombay High Court was dealing with the aspect of the provisions of Section 106 of the BNSS *vis-a-vis* the order of attachment / freezing of a bank account.

8. Shri Nandi, learned counsel for the contesting respondent nos. 1 to 3 has submitted that the action taken is strictly in accordance with law and as per the direction of the NCCRP. He has submitted that at this stage it is not known about the magnitude of the fraudulent transactions in which, the aforesaid account of the petitioner may be involved and the amount quantified at this stage may not be the final amount. He has also submitted that in the event, this Court grants any relief to the petitioner, some kind of condition be imposed in the interest of public.

9. After consideration of the rival submissions, it transpires that the impugned

action for freezing the bank account of the petitioner has been done on a complaint received by the respondent nos. 1, 2 and 3 from the NCCRP. A perusal of the affidavit-in-opposition filed by the said respondent nos. 1, 2 and 3 on 17.07.2025 would indicate that the amount involved is Rs.17040/-. Shri Nandi, learned counsel has, however, clarified that the amount would be Rs.20,176/-.

10. While the learned counsel for the petitioner may be correct in contending that there cannot be a blanket restriction on the operation of the account and the disputed amount may be kept in lien, this Court also finds force in the contention advanced by Shri Nandi, learned counsel that at this stage, it may be difficult to quantify the amount involved and also the aspect as to whether there is involvement of the petitioner in the cyber crime.

11. After giving an anxious thought to the rival contentions, this Court is of the opinion that the equities would be balanced and interest of justice would be served if a direction is given to allow the petitioner to operate the aforesaid current bank account with certain conditions. This Court is also of the view that in a given case, a balance is required to be struck between the interest of the investigation on cyber fraud which is creating a menace and the interest of a *bona fide* and innocent account holder.

12. This Court, accordingly directs that while the petitioner would be allowed to operate the aforesaid account, an amount of Rs. 1 lakh (Rupees One Lakh) only be kept in lien till a period of 6 months. If in this period of 6 months, there is no material to link the petitioner either with the cyber crime or with any fraudulent transactions, the aforesaid lien on the amount of Rs. 1 lakh would cease and the petitioner would be allowed to operate the aforesaid account without any restriction. The petitioner is also required to give a Bond to indemnify the respondent-Bank for any loss which may

be suffered because of any illegal or fraudulent activity of the petitioner involving the aforesaid bank account.

13. The writ petition accordingly stands disposed of in the above terms.

JUDGE

Comparing Assistant