

Abdurasak vs Union of India

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/4183/2024

Appellant : Abdurasak

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 PETITIONER: ABDURASAK, AGED 40 YEARS, S/O MUHAMMAD KARUTHODAN, KARUTHODAN (H),ELAMBRA,MANJERI, PAYYANAD P.O, MALAPPURAM KERALA, PIN - 676122 BY ADVS. T.S.SARATH JOTHISHA K.A. MANU RAMACHANDRAN AASHI K. SHAJAN M.KIRANLAL R.RAJESH (VARKALA) SAMEER M NAIR SAILAKSHMI MENON SMT.AKHILA B. BINU R. RESPONDENTS: 1 UNION OF INDIA MINISTRY OF HOME AFFAIRS NORTH BLOCK, NEW DELHI, REPRESENTED BY ITS HOME SECRETARY - 110001 2 NATIONAL CYBER CRIME

REPORTING PORTAL REPRESENTED BY ITS NODAL CYBER CELL OFFICER, UPLC, NAVCHETNA KENDRA, 10 ASHOK MARG, LUCKNOW, UTTAR PRADESH ICDSUP@GMAIL.COM, PIN - 226001

3 INDIAN CYBERCRIME COORDINATION CENTRE REPRESENTED BY ITS CEO 5TH FLOOR, NDCC-II BUILDING, JAI SINGH ROAD, NEW DELHI CYBERDOST@MHA.GOV.IN, PIN - 110001 4 STATE OF UTTAR PRADESH REPRESENTED BY THE CHIEF SECRETARY, 101, 'B' BLOCK, LOK BHAWAN, U.P SECRETARIAT, LUCKNOW, CSUP@NIC.IN, PIN - 226001 5 DIRECTOR GENERAL OF POLICE POLICE HEADQUARTERS, 12TH FLOOR, TOWER 2, GOMTINAGAR EXT, SHAHIDPATH LUCKNOW, UTTAR PRADESH. DGPCONTROL-UP@NIC.IN, PIN - 226002 6 STATION HOUSE MASTER CYBER CRIME POLICE STATION, SEC-06 NOIDA, COMMISSIONERATE DIST. GAUTAM BUDDHA NAGAR, UTTAR PRADESH. CYBERCELL-NOIDA.GB@UP.GOV.IN, PIN - 201301

7 THE RESERVE BANK OF INDIA REPRESENTED BY THE KERALA CMS.BOTRIVANDRUM@RBI.ORG.IN - 695033 8 FEDERAL BANK OASIS TOWER, KARUVAMBRAM, RAJIV GANDHI BYPASS ROAD, MANJERI, MALAPPURAM. MJR@FEDERALBANK.CO.IN, PIN - 676123 SUSEEL M.MENON - CGC MOHAN JACOB GEORGE P.V.PARVATHY (P-41)(K/000036/1991) REENA THOMAS(R-364) NIGI GEORGE(K/1169/2012) ANANTHU V.LAL(K/001233/2022) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

It is without doubt that the issues involved in this case have already been answered by this Court in Dr.Sajeer v. Reserve Bank of India & Anr. [2024 (1) KLT 826]. In the afore circumstances and since the learned counsel for the parties are completely ad idem as above, I allow this writ petition in terms of the afore

judgment in the following manner:

(a) The respondent - Bank, is directed to confine the

order of freeze against the account of the petitioner, only to the

extent of the amount mentioned in the order/requisition issued to them by the Police Authorities. This shall be done forthwith, so as to enable the petitioner to deal with his account, and transact therein, beyond that limit.

(b) The respondent - Police Authorities concerned are

hereby directed to inform the Bank as to whether the freezing of the account of the petitioner in this Writ Petition will require to be continued even in the afore manner; and if so, for what further time, within a period of eight months from the date of receipt of a copy of this judgment.

(c) On the Bank receiving the afore information/

intimation from the Police Authorities, they will adhere to the same and complete necessary action - either continuing the freeze for such period as mentioned therein; or withdrawing it, as the case may be.

(d) If, however, no information or intimation is received

by the Bank in terms of direction (b) above, petitioner will be at full liberty to approach this Court again; for which purpose, all contentions in this Writ Petition are left open and reserved to him, to be impelled in future. Sd/- DEVAN RAMACHANDRAN JUDGE
stu APPENDIX OF WP(C) 4183/2024 PETITIONER
EXHIBITS Exhibit P1 A TRUE COPY OF THE COMPLAINTS DETAILS

RECEIVED FROM THE 6TH RESPONDENT DATED 08.08.2023 THAT THE
PETITIONER IS A SUSPECT IN AN ONLINE TRANSACTION Exhibit P2 A TRUE
COPY OF THE STATEMENT OF TRANSACTION DETAILS OF THE
PETITIONER'S ACCOUNT FROM 01-01-2023 TO 31-12-2023

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