

Sajid Mohammed 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)/5038/2024

Appellant : Sajid Mohammed

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 WP(C) NO. 5038 OF 2024 PETITIONERS:

1 SAJID MOHAMMED AGED 38 YEARS, S/O. MOHAMMED,
KUNDAPPU HOUSE, KUMBALA P.O., ARIKADY, KASARGOD,
KERALA, PIN - 671321 2 MAIMOONA AGED 48 YEARS, W/O.ABDUL
RAHMAN AHMED KUNHI, GAREEB NAWAZ MANZIL, KUNNIL JUMA
MASJID, UPPALA, KASARGOD, PIN - 671332 3 AYSHATH MIZNA A
AGED 28 YEARS, D/O.ABDUL RAHIMAN, GAREEB NAWAZ, MANZIL
PALLAM, UPPALA P.O, KASARGOD, PIN - 671332 BY ADVS.

T.S.SARATH MANU RAMACHANDRAN M.KIRANLAL R.RAJESH
(VARKALA) SAMEER M NAIR JOTHISHA K.A. SAILAKSHMI MENON
AASHI K. SHAJAN SMT.AKHILA B. BINU R.

RESPONDENTS: 1 UNION OF INDIA MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI, PIN - 110001, REPRESENTED BY ITS
HOME SECRETARY HM@MHA.GOV.IN 2 NATIONAL CYBER CRIME
REPORTING PORTAL REPRESENTED BY ITS NODAL CYBER CELL
OFFICER, ECONOMIC OFFENCE WING, P S MANDIR MARG
COMPLEX, MANDIR MARG, NEW DELHI, PIN - 110001
ADDLCP.EOW@DELHIPOLICE.GOV.IN :2:

3 INDIAN CYBERCRIME COORDINATION CENTRE REPRESENTED
BY ITS CHIEF EXECUTIVE OFFICER, 5TH FLOOR, NDCC-II
BUILDING, JAI SINGH ROAD, NEW DELHI, PIN - 110001
CYBERDOST@MHA.GOV.IN 4 STATE OF DELHI REPRESENTED BY
ITS CHIEF SECRETARY, 3RD FLOOR, DELHI SECRETARIAT, NEW
DELHI PIN - 110002, SECSERVICES@NIC.IN 5 DIRECTOR GENERAL
OF POLICE MSO BUILDING, INDRAPRASHTA MARG, IP ESTATE,
NEW DELHI, DELHI, PIN - 110095 BK.GUPTA@NIC.IN 6 STATION
HOUSE OFFICER CYBER POLICE STATION, COURT CHOWK ROAD,
SAKET DISTRICT CENTER, SECTOR 6, PUSHP VIHAR, NEW DELHI,
PIN - 110017 CYBERCELL.SOUTH@DELHIPOLICE.GOV.IN 7 THE
RESERVE BANK OF INDIA REPRESENTED BY THE DEPUTY
GENERAL MANAGER, RBI, BAKERY JUNCTION, NANDAVANAM,
VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA, PIN - 695033
CMS.BOTRIVANDRUM@RBI.ORG.IN 8 STATE BANK OF INDIA
REPRESENTED BY ITS MANAGER KUMBALA BRANCH, SRI
KRISHNA SOUDHA, NEAR DOCTORS HOSPITAL, BADIADKA ROAD,
KASARGOD, PIN - 671321 9 SOUTH INDIAN BANK REPRESENTED
BY ITS MANAGER, UPPALA, KAIKAMBA JUNCTION, KASARGOD,
KERALA, PIN - 671324 BY ADVS. SRI.S.MANU SRI.SUNIL SHANKAR -
SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

It is without doubt, and as is unequivocally admitted by the parties, 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] and connected matters. In the afore circumstances, and since the learned counsel for the parties are ad idem as above, I allow this writ petition in terms of the afore judgment in the following manner: a. The respondent Banks, are directed to confine the

order of freeze against the accounts of the petitioners,

only to the extent of the amounts mentioned in the order/requisition issued to them by the Police Authorities. This shall be done forthwith, so as to enable the petitioners to deal with their accounts, and transact therein, beyond that limit. b. The respondent - Police Authorities concerned are hereby directed to inform the Banks as to whether the freezing of the accounts of the petitioners 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. :4: c. On the Banks 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 Banks in terms of directions (b) above, petitioners will be at full liberty to approach this Court again; for which purpose, all their contentions in this Writ Petition are left open and reserved to them, to be impelled in future. Sd/- DEVAN RAMACHANDRAN JUDGE anm :5: APPENDIX OF WP(C) 5038/2024 PETITIONERS' EXHIBITS Exhibit P1 A TRUE COPY OF THE NOTICE RECEIVED BY THE 8TH RESPONDENT Exhibit P2 A TRUE COPY OF THE TRANSACTION DETAILS MADE FROM 01-12-2022 TO 05-09-2023 OF THE 1ST PETITIONER'S ACCOUNT Exhibit P3 A TRUE COPY OF THE TRANSACTION

DETAILS MADE FROM 01-02-2023 TO 21-08-2023 OF THE 2ND PETITIONER'S ACCOUNT Exhibit P4 A TRUE COPY OF THE TRANSACTION DETAILS MADE FROM 01-12-2022 TO 05-09-2023 OF THE 3RD PETITIONER'S ACCOUNT RESPONDENTS' EXHIBITS - NIL.

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