

Munseer K 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)/5113/2024

Appellant : Munseer K

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. 5113 OF 2024 PETITIONER:
MUNSEER K AGED 32 YEARS, S/O ASHRAF K, KUTTASERI HOUSE,
NARIYAKKAMPOYIL, THUVVUR, KALIKAVU, MALAPPURAM, PIN -
676525 BY ADVS. T.S.SARATH MANU RAMACHANDRAN
M.KIRANLAL R.RAJESH (VARKALA) SAMEER M NAIR SAILAKSHMI
MENON JOTHISHA K.A. AASHI K. SHAJAN BINU R. SMT.AKHILA B.
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, OFFICE OF THE ADDITIONAL DIRECTOR GENERAL OF
POLICE, CID, 4TH FLOOR, POLICE BHAVAN, SECTOR - 18,
GANDHINAGAR, GUJARAT - 382018 CC-CID@GUJARAT.GOV.IN 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
GUJARAT REPRESENTED BY THE CHIEF SECRETARY, 5TH
FLOOR, BLOCK NO. 1, SARDAR BHAVAN SACHIVALAYA,
GANDHINAGAR, GUJURAT - 382010
CHIEFSECRETARY@GUJURAT.GOV.IN :2:

5 DIRECTOR GENERAL OF POLICE GUJARAT STATE POLICE
BHAVAN, GANDHINAGAR SECTOR 18, GANDHINAGAR, GUJARAT,
PIN - 382021 DGP-GS@GUJARAT.GOV.IN 6 STATION HOUSE
OFFICER CYBER CRIME POLICE STATION, 5TH FLOOR, POLICE
BHAVAN, SECTOR 18, GANDHINAGAR, GUJARAT, PIN - 382018
HELPLINE-CYBER-CID@GUJARAT.GOV 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 FEDERAL BANK
NEDUMPALLIL BUILDING, KIZHAKKETHALA, KARUVARAKUNDU,
MALAPPURAM, KERALA - 676523 KRU@FEDERALBANK.CO.IN BY
ADVS. SRI.S.MANU - DSGI SRI.MOHAN JACOB GEORGE - 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 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.

:4: 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 directions (b) above, petitioner will be at full liberty to approach this Court again; for which purpose, all his contentions in this Writ Petition are left open and reserved to him, to be impelled in future. Sd/- DEVAN

RAMACHANDRAN JUDGE anm :5: APPENDIX OF WP(C) 5113/2024 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE NOTICE DATED 02-01- 2024 RECEIVED FROM THE 8TH RESPONDENT THAT THE PETITIONER IS A SUSPECT IN AN ONLINE TRANSACTION. Exhibit P2 A TRUE COPY OF THE EMAIL SENT BY THE PETITIONER TO THE 8TH RESPONDENT DATED 06.01.2024 Exhibit P3 A TRUE COPY OF THE TRANSACTION DETAILS MADE FROM 16-12-2023 TO 17-01-2024 RESPONDENTS' EXHIBITS : NIL.