SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Eyas Ma vs Idfc First Bank, Mg Road (Rep Through Branch Manager)

Eyas Ma vs Idfc First Bank, Mg Road (Rep Through Branch Manager)

SooperKanoon Citation : sooperkanoon.com/1318945

Court : Kerala

Decided On : May-28-2024

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/12016/2024

Appellant : Eyas Ma

Respondent : Idfc First Bank, Mg Road (Rep Through Branch Manager)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI TUESDAY, THE 28TH DAY OF MAY 2024 / 7TH JYAISHTA, 1946 PETITIONER: EYAS MA AGED 31 YEARS 10 1542 THAMARAPARAMBU FORT KOCHI ERNAKULAM, PIN - 682005 BY ADVS. AISHWARYA SHIVAKUMAR MARIYAMMA A.K. RESPONDENTS:

1 IDFC FIRST BANK, MG ROAD (REP THROUGH BRANCH MANAGER) NO 1335/1, GROUND FLR, TELSTAR BUILDING, MAHATMA GANDHI RD, RAVIPURAM, ERNAKULAM, PIN - 682016 2 STATE CYBER CELL, CID CRIME GUJARAT (REPRESENTED BY ITS AUTHORISED OFFICER) 7TH FLOOR, BLOCK-2, KARMYOGI

BHAVAN SECTOR 10A GANDHINAGAR GUJARAT, PIN - 382010 3 STATION HOUSE OFFICER, CYBER CRIME POLICE STATION JAMMU ZONE GANDHI NAGAR, JAMMU JAMMU AND KASHMIR, PIN - 180004 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

---------- W.P.(C). No.12016 of 2024 ---------- Dated this the 28th day of May, 2024

JUDGMENT

The petitioner is the holder of accounts with the 1 st respondent Bank and his account has been frozen on intimation by Police Authorities. The Court had at the time of admission, issued interim directions to restrict the freezing of the account to the amount which had been subject matter of the dispute as per the intimation received from the Police authorities. However, it is seen that the notice to the Bank does not mention the disputed amount, and seeks a complete debit freeze of all the amounts in credit. In such circumstances, following the decision in Dr.Sajeer v. Reserve Bank of India [2023 KHC OnLine 661], this writ petition is disposed of with the following directions;

(a) The respondent Bank is directed to

immediately issue a request to the Investigation Authority/Police Authority and seek the amount which is required to be kept in freeze or held in lien in the account of the petitioner. This shall be done by the Bank within a period of one month from the date of receipt of a copy of this

judgment.

(b) In the event that the Investigating

Officer/Police Authority responds to the afore requisition and mentions a particular amount, as being the sum that is required to be kept frozen or held in lien, then the respondent Bank will confine the freeze/lien to such an extent and allow the petitioner/account holder to deal with his account and transact therein beyond that limit.

(c) On the contrary, if no information is

received from the Police Authority/Investigating officer within a period of two months from the date on which the afore requisition was made by the respondent Bank, then they will allow the petitioner/account holder to transact fully in his account, notwithstanding the debit freeze requisition, subject to any further information to be received from the Police Authority/Investigating Officer in future.

(d) As an alternative, if the response from the

Police Authority/Investigating Officer is that the entire account be frozen for any reason that is mentioned therein, then the Bank will inform the petitioner/account holder accordingly and continue the freeze in such a manner for a further period of eight months thereafter.

(e) If, after a period of eight months, the

requisition made by the Police Authorities - either to a particular sum or the full amount in the account of the account holder - is not withdrawn, then the petitioner/account holder will be at full liberty to approach this Court again; which purpose, all contentions in this writ petition are reserved to him to be impelled in future.

Sd/-/- T.R. RAVI JUDGE Pn APPENDIX OF WP(C) 12016/2024 PETITIONER'S EXHIBITS Exhibit P1 BANK ACCOUNT STATEMENT OF THE PETITIONER Exhibit P2 TRUE COPY OF COMMUNICATION MARKING LIEN ISSUED BY THE STATE CYBER CRIME CELL GANDHINAGAR, GUJARAT Exhibit P3 THE TRUE

COPY OF THE COMMUNICATION MARKING LIEN ISSUED BY THE CYBER POLICE STATION, JAMMU ZONE, GANDHI NAGAR, JAMMU AND KASHMIR ISSUED ON 8/09/2023

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com