

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946

WP(C) NO. 14967 OF 2024

PETITIONER:

RASHEED V
AGED 33 YEARS
S/O KUNJALI VALAPRA, EDADI HOUSE, ARIMBRA P.O.,
MORAYUR, MALAPPURAM, KERALA, PIN - 673638

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.

RESPONDENTS:

- 1 UNION OF INDIA
MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI,
REPRESENTED BY ITS HOME SECRETARY HM@MHA.GOV.IN, PIN -
110001
- 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
CC-CID@GUJARAT.GOV.IN, PIN - 382018
- 3 NATIONAL CYBER CRIME REPORTING PORTAL
ADDITIONAL SUPERINTENDENT OF POLICE, ECONOMIC OFFENCES
WING (EOW), OFFICE OF THE ADDL. DIRECTOR GENERAL OF
POLICE, CRIME INVESTIGATION DEPARTMENT, AP DGP HEAD
QUARTERS, FIRST FLOOR, MANGALAGIRI, GUNTUR URBAN
DISTRICT, ANDHRA PRADESH ADGCID@AP.GOV.IN, PIN - 522503

- 4 INDIAN CYBERCRIME COORDINATION CENTRE
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, 5TH
FLOOR, NDCC-II BUILDING, JAI SINGH ROAD, NEW DELHI
CYBERDOST@MHA.GOV.IN, PIN - 110001
- 5 STATE OF GUJARAT
REPRESENTED BY THE CHIEF SECRETARY, 5TH FLOOR,
BLOCK NO. 1, SARDAR BHAVAN SACHIVALAYA,
GANDHINAGAR, GUJARAT CHIEFSECRETARY@GUJARAT.GOV.IN,
PIN - 382010
- 6 STATE OF ANDHRA PRADESH
REPRESENTED BY THE CHIEF SECRETARY, BUILDING #1,
1ST FLOOR, INTERIM GOVERNMENT COMPLEX, A.P.
SECRETARIAT, VELAGAPUDI, GUNTUR, ANDHRA PRADESH
CS@AP.GOV.IN, PIN - 522503
- 7 DIRECTOR GENERAL OF POLICE
GUJARAT STATE POLICE BHAVAN, GANDHINAGAR SECTOR 18,
GANDHINAGAR, GUJARAT DGP-GS@GUJARAT.GOV.IN, PIN -
382021
- 8 DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS, HYDERABAD CITY
DGP@APPOLICE.GOV.IN, PIN - 500004
- 9 STATION HOUSE OFFICER
ANKLESHWAR POLICE STATION, STATION ROAD, RAILWAY
STATION, ANKLESHWAR GIDC, ANKLESHWAR, GUJARAT, PIN
- 393001
- 10 STATION HOUSE OFFICER
CHITTOOR ONE TOWN POLICE STATION, CHITTOOR - PONNAI
ROAD, MITTOOR, CHITTOOR, ANDHRA PRADESH
SHO_CTR1T@CTR.APPOLICE.GOV.IN, PIN - 517001
- 11 THE RESERVE BANK OF INDIA
REPRESENTED BY THE DEPUTY GENERAL MANAGER, RBI,
BAKERY JUNCTION, NANDAVANAM, VAZHUTHACAUD,
THIRUVANANTHAPURAM, KERALA
CMS.BOTRIVANDRUM@RBI.ORG.IN, PIN - 695033

12 AXIS BANK
NAJATH BUILDING, KONDOTTY BYPASS ROAD, KONDOTTY,
KERALA CUSTOMER.SERVICE@AXISBANK.COM, PIN - 673636

13 CATHOLIC SYRIAN BANK
GROUND FLOOR, PPA COMPLEX, NEARBY VALLUVAMBRAM
JUNCTION, KOZHIKODE PALAKKAD HIGHWAY, MONGAM,
MALAPPURAM MONGAM@CSB.CO.IN, PIN - 673642

SRI. V. GIREESH KUMAR, CGC.
SRI.MADHU RADHAKRISHNAN, SC
SRI.NELSON JOSEPH
SRI.M.D.JOSEPH
SRI.DEEPAK ASHOK KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R. RAVI, J.

W.P.(C)No.14967 of 2024

Dated this the 31st day of May, 2024

JUDGMENT

The petitioner is a holder of an account with the respondents Bank and their 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 accounts to the amount which had been subject matter of the dispute, as per the intimation received from the Police authorities. The Bank has also taken action to that extent pursuant to the directions issued by this Court. In similar cases, this Court had after issuance of such interlocutory orders, closed the writ petitions with certain directions. Paragraph No.12 of the directions issued in ***Dr.Sajeer v. Reserve Bank of India [2023 KHC OnLine 661]*** is extracted hereunder;

“12. In fact, should the criminal enquiry found otherwise, it will be doubtful if the amounts in question could be even recovered from the petitioners, if they have received it as part of

bonafide or other valid transactions, unaware of it being proceeds of crime.

In the conspectus of the above, I order these Writ Petitions with the following directions:

a. The respondent Banks arrayed in these cases, are directed to confine the order of freeze against the accounts of the respective 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 respective Banks as to whether freezing of accounts of the petitioners in these Writ Petitions 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 Banks receiving the afore information/intimation from the Police Authorities, they will adhere with it 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 their Banks in terms of directions (b) above, the petitioners or such among them, will be at full liberty to approach this Court again; for which purpose, all their contentions in these Writ Petitions are left open and reserved to them, to impel in future."

This writ petition is disposed of with the above said directions.

Sd/-
T.R.RAVI
JUDGE

APPENDIX OF WP(C) 14967/2024

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE COMPLAINT DETAILS
RECEIVED FROM THE 9TH RESPONDENT DATED
04-01-2024, THAT THE PETITIONER IS A
SUSPECT IN AN ONLINE TRANSACTION

Exhibit P2 A TRUE COPY OF THE COMPLAINT DETAILS
RECEIVED FROM THE 10TH RESPONDENT DATED
18-02-2024, THAT THE PETITIONER IS A
SUSPECT IN AN ONLINE TRANSACTION

Exhibit P3 A TRUE COPY OF THE STATEMENT OF ACCOUNT
MADE FOR THE PERIOD FROM 20-11-2023 TO
30-11-2023 BY THE PETITIONER'S ACCOUNT

Exhibit P4 A TRUE COPY OF THE STATEMENT OF ACCOUNT
MADE FOR THE PERIOD FROM 07-02-2024 TO
04-03-2024 BY THE PETITIONER'S ACCOUNT