GAHC010050632025

2026:GAU-AS:15627

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./315/2025

MISS PUJA BORA AND ANR.
D/O SRI DULAL BORA
RESIDENT OF HOUSE NO 118, RAJIV GANDHI PATH, KOINADHORA TINIALI, KHANAPARA, BASISTHA, DIST. KAMRUP (METRO), ASSAM, PIN-701022

2: SMTI BORNALI DUTTA BORA
W/O SRI DULAL BORA
RESIDENT OF HOUSE NO. 118

RAJIV GANDHI PATH
KOINADHORA TINIALI PO. KHANAPARA
P.S. BASISTHA
DIST. KAMRUP (METRO)
ASSAM
PIN-70102

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PP, ASSAM

2:THE BRANCH MANAGER
BANK OF BORODA
BASISTHA BRANCH
1ST FLOOR
HOUSE NO 335
BASISTHAPUR ROAD
SURVEY
BELTOLA
PIN-781028

3:THE BRANCH MANAGER
PUNJAB NATIONAL BANK

KHANAPARA BRANCH
GS ROAD
SIX MILE
KAMRUP (METRO)
ASSAM
PIN-7878102

Advocate for the Petitioner : MR. S N TAMULI, MS P DEKA,MS. A BEGUM,MS. P K ZANNAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

14.10.2026

Heard Mr S N Tamuli, learned counsel for the petitioners. Also heard Ms S H Bora, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023, the petitioner has prayed for quashing of the order dated 02.07.2024, passed in Zimma Petition No. 1491 of 2024, arising out of PRC Case No. 2541/2022, pending before the Court of Aditional CJM, Kamrup (Metro), Assam, by which the said application was rejected and the accounts were not defreezed.

3. The case of the petitioners is that an FIR was lodged by the informant on 5th of November, 2019, stating *inter alia,* that he is a Forest Ranger working under the Government of Assam, and that his wife had purchased a plot of land in 2009, near his residence by following the legal procedures. He further submits that the accused person, namely, Dulal Bora, in the year 2016, had filed an FIR in respect of the said land, raising various allegations and the case has been registered. It is also stated that the accused person

named in the FIR contacted him and demanded Rs. 10 lacs for withdrawal of the said cases and threatened him to file more cases against him. It is also stated that the accused person continuously blackmailed him and had also published various articles in newspapers against him, showing purchase of land by the wife of the informant by fraudulent means. He also stated that when he refused to pay the said amount, the accused person named in the FIR had filed other complaints against the informant. The Police, on completion of the investigation of the said case, i.e., CID Case No. 27 of 2019, submitted charge sheet on 31.08.2022. In the said charge sheet, it is stated that many doubtful monetary transactions were detected in the account of the accused person, namely, Dulal Bora as well his wife and his daughter, who are the petitioners here. It is also stated that fourteen numbers of bank accounts of the said persons, i.e., the petitioners and the accused person in different banks were seized and were freezed in connection with the case, where huge amount of money credited by the accused person was transferred to his wife's and daughter's account, i.e., petitioner Nos. 1 and 2. It is also stated that huge amount of money has been freezed by the two banks with regard to the accounts of the accused person. It is further stated that the *modus operandi* of the accused person is to first collect information about Government officials and lodge complaints and demand money from such officials.

4. The learned counsel for the petitioners submits that the allegations made in the FIR that 10 lacs of rupees was demanded by the accused person from the informant, but the said money was not paid by the informant to the said accused person, and as such, he submits that there is no question of depositing the money in the accounts of the accused person or in

the accounts of the family members. The learned counsel for the petitioners further submits that there is violation of Section 102 (3) of the CrPC. He submits that after freezing of the account, it was not reported to the jurisdictional Magistrate which is mandatory in nature. He further submits that there are no materials on record to show that crime was committed and the amount were deposited in the accounts of the petitioners.

5. On the other hand, Ms S H Bora, learned Additional Public Prosecutor, on perusal of the charge sheet, submits that it is found in the investigation that money was deposited by the accused person named in the FIR, in the account of his wife and daughter, i.e., the petitioner Nos. 1 and 2.

6. I have heard the learned counsels and I have gone through the records.

7. As stated above, in the charge sheet it is clearly stated that the accused person named in the FIR, has, on many occasions, filed cases against the Government officials raising various allegations and demands money from such officials to either withdraw the complaint or not to pursue such complaints or allegations in the Court. It is also stated that the accused person after collecting the money from various persons, used to transfer the same to the account of his wife or daughter.

8. In view of the said findings during the investigation by the Police Officer, the Trial Court, on the application made by the petitioners for defreezing the account, had rejected on the objection raised by the learned Additional Public Prosecutor that the bank accounts of the petitioners are linked with various transactions.

9. With regard to the submission of the learned counsel that Section 102(3) of the CrPC,

is not complied with, this Court is unable to accept the same. It is seen that this Court, by order dated 15.05.2023, passed in Criminal Petition No. 350/2020, had the occasion to see the status report filed in connection with CID PS Case No. 27/2019, and had recorded in the said order that the CJM, Kamrup (Metro), was informed by the CID, regarding freezing of bank account of the accused person. By the said order, it was also stated that notice was issued to the respective Branch Managers under Section 2(a) of the Bankers' Books Evidence Act, regarding freezing of account of the accused and other family members. As such, it was recorded in the said order that there is enough compliance of the provision of Section 102 CrPC.

10. In view of the said findings during the investigation, this Court, therefore, does not deem it fit to set aside the order dated 02.07.2024, passed by the Additional CJM, Kamrup (Metro), in PRC Case No. 2541 of 2022. As such, this petition is dismissed and disposed of.

JUDGE

Comparing Assistant