Form No.J(2)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :

THE HON'BLE JUSTICE RISHAD MEDORA

WPA/24459/2025

SOHEL MOLLA

VS

STATE OF WEST BENGAL AND ORS.

For the petitioner	:	Mr. Debapriya Majumder
For the State of West Bengal	:	Mr. Madhu Jana, Jr. Govt. Adv. Mr. Vinayak Chaubey
For the respondent no.3/ Axis Bank	:	Mr. Debtanay Banerjee
For the respondent no.4/ RBI	:	Mr. D.K. Kundu Mr. Arun Basu Ms. Aditi Biswas
Heard on	:	30.09.2026.
Judgment on	:	30.09.2026.

RISHAD MEDORA, J:

1. The petitioner is represented. The respondent nos.3 and 4 are represented. The State of West Bengal is also represented. The respondent no.2 is not represented.
2. Affidavit of service filed on behalf of the petitioner in Court today is taken on record.
3. The petitioner has filed the present writ petition praying for, *inter alia*, a writ commanding the concerned respondent Authorities to forthwith act in accordance with law to take steps against the concerned respondent Authority and to de-freeze the petitioner's Bank Account No.923020029857838 with Axis Bank Limited, Dalhousie Branch, Kolkata – 700001.
4. Learned Advocate representing the petitioner has submitted that the petitioner is a small-time businessman operating as a proprietorship named "ROHAN RETAIL" with his primary business financial operations being conducted through the aforesaid Account No.923020029857838. On or around May 8, 2025, the petitioner was shocked to learn that the aforesaid Bank had received a notice dated May 8, 2025, issued by the Inspector of Police, Cyber Crime Wing, Central Branch,

Tambaram Commissionerate under the provisions of Section 106 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 102 of the Criminal Procedure Code, 1973). In terms of the aforesaid notice, the Bank was directed to "lien mark" a certain amount against a certain transaction and debit-freeze the aforesaid Bank Account of the petitioner in connection with the investigation of a case in CCD-1, Cyber Crime Wing, CSR No.259/2024. The amount which was directed to be lien marked in the petitioner's Bank Account is as follows:-

Sl. No	Date	Account Number	Transaction ID	Transaction Amount	Disputed Amount
1	22.08.2024	92302009857838	YESB41743921819	39,899/-	2,253/-

5. It is the petitioner's case that he has no knowledge whatsoever of the aforesaid case and he has never received any form of communication from the respondent no.2 in connection with the foregoing. He further states that he has always been, and still is, ready and willing to cooperate with the concerned Authorities in respect of the aforesaid case as well as provide any information/documents which may be sought from him

by such Authorities. The petitioner further submits that he is in great financial stress in view of his inability to operate his aforesaid Bank Account for no fault or wrongdoing on his part.

6. Pursuant to receipt of the aforesaid notice, the said Bank has lien marked the aforesaid amount and has also frozen the aforesaid Bank Account of the petitioner. Being aggrieved by the same, the petitioner had addressed several letters to the Bank and to the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu, requesting them to provide further details in respect of the subject-matter of the aforesaid notice date May 8, 2025, as well as to de-freeze his aforesaid Bank Account. Unfortunately, the petitioner has not received any response or reply or any communication from the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu till date.

7. Insofar as the Bank is concerned, by a letter dated September 4, 2025, the Bank has informed the petitioner that the aforesaid Bank Account of the petitioner cannot be unfrozen until and unless it receives a formal

revocation/unfreezing order from the Competent Authorities who had initially directed the freeze.

8. Being aggrieved by the aforesaid actions of the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu, as well as the said Bank, the petitioner has filed the present writ petition seeking various reliefs.

9. The primary argument of the learned Advocate for the petitioner is that the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, ought not to have directed Axis Bank to debit-freeze the entire Bank Account of the petitioner inasmuch as only one particular transaction was directed to be marked as a “lien” in respect of his aforesaid Bank Account. In view of the notice dated May 8, 2025, the petitioner’s entire Bank Account has been frozen. The money lying in his Bank Account is much more than the amount in respect of the solitary transaction which has been marked as a “lien”. Accordingly, he prays that the Bank Account of the petitioner should be unfrozen. However, he fairly submitted that the aforesaid transaction, which has been

marked as a “lien” can continue and remain to be marked as a “lien”.

10. Learned Advocates representing the Axis Bank Limited as well as the State of West Bengal and the Reserve Bank of India have left the matter to the discretion of this Court.

11. Learned Advocate for Axis Bank Limited has further submitted that the Bank is only abiding by the directions given by the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu and it is under an obligation to do so.

12. Learned Advocate representing the State of West Bengal has further submitted that the respondent no.5, being the Officer-in-Charge, Hare Street Police Station, Kolkata, has nothing to do with the subject-matter of the writ petition.

13. I have considered the submissions of the learned Advocates representing the parties and I have also considered the materials on record. Unfortunately, the respondent no.2, being the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu, has not been represented on any of the dates when this matter had been called on for hearing. It has been served with copies of the writ

petition and it has also been intimated about the pendency of this writ petition before this Court by the petitioner through Speed Post as well as by email. Despite receipt of such communications, it has not been represented before this Court. Accordingly, this Court is compelled to pass necessary orders in its absence.

14. It is evident that although the notice dated May 8, 2025 appears to be concerned with only one transaction in the petitioner's aforesaid Bank Account, the petitioner's Bank Account has been frozen in entirety pursuant to the directions given by such notice. There does not appear to be any rationale behind the respondent nos.2's direction in this regard. Its failure to respond to the petitioner's communications as well as its failure to be represented in this writ petition before this Court also does not inspire any confidence in its actions. Having issued a direction to "Lien Mark" a specific amount in respect of a particular transaction, I am unable to understand or appreciate the necessity behind the direction to debit-freeze the entire Bank Account. Such direction appears to be without any justification whatsoever.

15. In my view, since the disputed value of the transaction complained of in respect of the petitioner's Bank Account, is only Rs.2,253/-, there is no justifiable reason as to why the entire Bank Account of the petitioner should be frozen.

16. In such circumstances, the respondent no.3, being Axis Bank Limited, is directed to immediately de-freeze the petitioner's said Bank Account No.923020029857838 with Axis Bank, Dalhousie Branch, Kolkata – 700001. However, the Bank must continue to mark as a "lien" the aforesaid transaction amounting to Rs.2,253/-. In other words, the petitioner should not be allowed by the Bank to take out the sum of Rs.2,253/-, subject to further directions of the Inspector of Police, Cyber Crime Wing, Central Branch, Tambaram Commissionerate, Tamil Nadu.

17. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

18. Accordingly, this writ petition stands disposed of. There will be no order as to costs.

19. All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court. The petitioner as well as the Bank are directed to immediately provide a copy of this judgment and order to the respondent no.2 by email as well as by Speed Post.

20. Urgent Photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(RISHAD MEDORA, J.)

Tanmoy Ghosh
Assistant Registrar (Court)