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

Case No. : WP(C)/3467/2026

MR PABITRA SONOWAL
, AGED 39 YEARS S/O - SHRI GOBIN SONOWAL R/O HOUSE NO. 66,
BAMUNPARA HARICHARAN DAS PATH, NEAR VISHNU MANDIR, LOKHRA,
DISTRICT - KAMRUP M, ASSAM, PIN 781034

VERSUS

THE UNION OF INDIA
REPRESENTED BY SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI 110001

2:INDIAN CYBER CRIME CO ORDINATION CENTRE
14C
5TH FLOOR
NDCC BUILDING
JAI SINGH ROAD
NEW DELHI - 110001
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

3:THE COMMISSIONER OF POLICE
KARNATAKA MYSURU CITY
MIRZA ROAD
NAZARBAD MOHALLA
LOKARANJAN MAHAL ROAD
MYSURU
KARNATAKA 570010

4:THE JOINT COMMISSIONER OF POLICE WEST ZONE
CYBER CRIME POLICE STATION
BLOCK P
K4
P BLOCK
ANNA NAGAR
CHENNAI

TAMIL NADU 600040

5:THE ICICI BANK LTD
. HAVING ITS REGISTERED OC AT ICIC BANK TOWER
NEAR CHAKLI CIRCLE
OLD PADRA ROAD
VADODARA
GUJARAT - 390007
REPRESENTED BY ITS MANAGING DIRECTOR

6:THE BRANCH MANAGER
ICICI BANK LTD.
ULUBARI BRANCH
29
B. BARUAH ROAD
ULUBARI
PIN 78100

Advocate for the Petitioner : MR. M GOGOI, MR. S BANIKYA

Advocate for the Respondent : DY.S.G.I., SC, I C I C I BANK

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri M. Gogoi, Advocate.

Advocate for the respondents : Shri M. Sarma, Advocate &
Ms. L. Devi, CGC.

Date on which judgment is Reserved. : 26.06.2026.

Date of pronouncement of Judgment. : 26.06.2026.

Whether the pronouncement is of the operative part of the judgment? : NA.

**Whether the full judgment : Yes.
has been pronounced?**

JUDGMENT & ORDER (Oral)

Heard Shri M. Gogoi, learned counsel for the petitioner. Also heard Shri M. Sarma, learned Standing Counsel, ICICI Bank as well as Ms. L. Devi, learned CGC.

2. Considering the facts and circumstances involved and also as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the motion stage.

3. As per the facts projected, the petitioner is an Advocate by profession. In connection with professional transactions, the petitioner maintains a savings bank account, being Account No.741901500407 with the respondent-ICICI Bank in its Ulubari Branch. However, since 14.05.2026 transactions were stopped and on an enquiry, the petitioner was informed that the said account was frozen upon a complaint received from the National Cyber Crime Reporting Portal (NCCRP). The petitioner had submitted a representation dated 15.05.2026 by giving the details of the last 3 deposits and the details of the transaction. As on date, the petitioner has a balance of Rs. 1,17,380.32/- in the said savings account.

4. Assailing the said action, Shri Gogoi, learned counsel for the petitioner has submitted that the petitioner is an Advocate by profession and there is no fraudulent transaction of any nature related to the aforesaid bank account. He has submitted that the action has been taken without any notice and information and has caused immense prejudice to the petitioner. He has submitted that from the affidavit filed by the respondents-Bank, it transpires that an amount of Rs.12,000/- appears to be a

part of a fraudulent transaction involving the aforesaid savings account of the petitioner. In this regard, he has submitted that in similarly situated matters, there has been direction for keeping in lien the disputed amounts and allowing the incumbents to run their respective bank accounts. In support of his submissions, the learned counsel has relied upon the following case laws:

i) WP No. 25631/2024 (*Mohammed Saifullah Vs. Reserve Bank of India & Ors.*) [The High Court of Judicature at Madras];

ii) WP(C)/17905/2024 & CM Appl./2640/2025 (*Neelkanth Pharma Logistics Pvt. Ltd. Vs. Union of India Anr.*) [The High Court of Delhi at New Delhi] &

iii) Crl. Writ Pettition No. 321/2025 (*Mr. Kartik Yogeswar Chatur Vs. Union of India & Ors.*) [The High Court of Judicature at Bombay, Nagpur Bench, Nagpur].

5. In the case of ***Mohammed Saifullah*** (*supra*), the Hon'ble Madras High Court had observed that under the guise of investigation, order of freezing of the entire account without quantifying amount or period cannot be passed as the same would be in violation of the fundamental rights.

6. In the case of ***Neelkanth Pharma Logistics Pvt. Ltd.*** (*supra*), the Hon'ble Delhi High Court has made an observation that a balance was required to be struck regarding the rights of a complainant *vis-a-vis* the rights of an innocent and unwary account holder who is made to suffer unwarranted hardships due to blanket freezing of bank account.

7. In the case of ***Mr. Kartik Yogeswar Chatur*** (*supra*), the Hon'ble Bombay High Court was dealing with the aspect of the provisions of Section 106 of the BNSS *vis-a-*

vis the order of attachment / freezing of a bank account.

8. Shri Sarma, learned counsel for the contesting respondents-Bank has submitted that the action taken is strictly in accordance with law and as per the direction of the NCCRP. He has submitted that at this stage, it is not known about the magnitude of the fraudulent transactions in which, the aforesaid account of the petitioner may be involved and the amount quantified at this stage may not be the final amount. He has also submitted that in the event, this Court grants any relief to the petitioner, some kind of condition be imposed in the interest of public.

9. After consideration of the rival submissions, it transpires that the impugned action for freezing the bank account of the petitioner has been done on complaints received by the respondent nos. 2, 3 and 4 from the NCCRP. A perusal of the affidavit-in-opposition filed respondents-Bank would indicate that the amount involved is Rs.12,000/-.

10. While the learned counsel for the petitioner may be correct in contending that there cannot be a blanket restriction on the operation of the account and the disputed amount may be kept in lien, this Court also finds force in the contention advanced by Shri Sarma, learned counsel that at this stage, it may be difficult to quantify the amount involved and also the aspect as to whether there is involvement of the petitioner in the cyber crime.

11. After giving an anxious thought to the rival contentions, this Court is of the opinion that the equities would be balanced and interest of justice would be served if a direction is given to allow the petitioner to operate the aforesaid savings bank account with certain conditions. This Court is also of the view that in a given case, a balance is required to be struck between the interest of the investigation on cyber

fraud which is creating a menace and the interest of a *bona fide* and innocent account holder.

12. This Court, accordingly directs that while the petitioner would be allowed to operate the aforesaid savings account, an amount of Rs.25,000/- (Rupees Twenty Five Thousand) only be kept in lien till a period of 6 months. If, in this period of 6 months, there is no material to link the petitioner either with the cyber crime or with any fraudulent transactions, the aforesaid lien on the amount of Rs.25,000/- would cease and the petitioner would be allowed to operate the aforesaid account without any restriction. The petitioner is also required to give a Bond to indemnify the respondent-Bank for any loss which may be suffered because of any illegal or fraudulent activity of the petitioner involving the aforesaid bank account.

13. The writ petition accordingly stands disposed of in the above terms.

JUDGE

Comparing Assistant