



SL. No.	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/1192/2026</u> Munnavar --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Dr. Kartikey Hari Gupta and Ms. Irum Zeba, learned counsel for the petitioner. Mrs. Pushpa Bhatt, learned Additional Advocate General assisted by Mr. S.C. Dumka, learned A.G.A. and Mr. Nikhil Bisht, learned Brief Holder for the State of Uttarakhand. Mr. Alok Dalakoti, learned counsel for respondent no.4 through video conferencing. 2. By means of the present Criminal Writ Petition, the petitioner seeks a direction to the respondents to forthwith de-freeze/unfreeze Account No. 9639742022 maintained by him with Kotak Mahindra Bank Ltd., Shivalik Nagar Branch, Haridwar, permit its normal operation, and quash the action of the respondents whereby the aforesaid account has been frozen/restricted pursuant to the communication dated 10.10.2025. 3. Learned counsel for the petitioner submitted that the petitioner's Account No. 9639742022, maintained with Kotak Mahindra Bank Ltd., Shivalik Nagar Branch, Haridwar, was frozen on 10.10.2025. Upon enquiry, the petitioner was informed that the account had been frozen on the basis of a communication received from Yes Bank stating that a sum of Rs.44,00,000/- had been



		erroneously transferred to the petitioner's account. Learned counsel further submitted that, in the absence of any order passed by the competent Magistrate, the respondent no.4/Bank had no authority in law to freeze the petitioner's account. In support of his submission, he draws the attention of this Court to Sections 106 and 107 of the B.N.S.S., 2023, and also placed reliance upon the judgment in “Malabar Gold and Diamonds Limited and Others vs. Union of India and Others”, 2026 SCC OnLine Del 297. It was, therefore, contended that the power to direct freezing of a bank account vests only with the Competent Authority in accordance with law, and not with the Bank acting on its own. 4. Pursuant to the order passed by this Court on the previous date, notice was issued to the respondent no. 4/Bank. Mr. Alok Dalakoti, learned counsel appearing on behalf of respondent no. 4/Bank, fairly submitted that the petitioner's account was frozen solely on the basis of a communication received from Yes Bank stating that an amount of Rs. 44,00,000/- had been wrongly transferred to the petitioner's account. 5. Having considered the submissions advanced by the learned counsel for the parties and upon perusal of the material available on record, this Court finds that no criminal case has been registered against the petitioner. It is also not the case of the respondent no. 4/Bank that any order passed by the competent Magistrate or any competent investigating authority directing freezing of the petitioner's account exists. In the absence of any such order, the action of respondent no. 4/Bank in freezing the petitioner's account cannot be sustained
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			in the eyes of law. 6. Accordingly, respondent no. 4/Kotak Mahindra Bank Ltd., Shivalik Nagar Branch, Haridwar, is directed to forthwith de-freeze/unfreeze the petitioner's Account No. 9639742022 and permit its normal operation, if there is no other legal impediment. 7. With the aforesaid observations and directions, the present Criminal Writ Petition stands disposed of. (Alok Mahra, J.) 20-07-2026 SB
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