IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 17412 OF 2023 (GM-RES)

BETWEEN:

1. RAZORPAY SOFTWARE PRIVATE LIMITED
THROUGH ITS AUTHORIZED REPRESENTATIVE
MR. NARESH JETHWANI
AGED ABOUT 57 YEARS
REGD. OFFICE AT
1st FLOOR, SJR CYBER
22, LASKAR HOSUR ROAD
ADUGODI, BANGALORE 560 030
naresh.jethwani@razorphay.com
REG.UNDER COMPANIES ACT 2013.

2. RZPX PRIVATE LIMITED
THROUGH ITS AUTHORIZED REPRESENTATIVE
MR. NARESH JETHWANI
AGED ABOUT 57 YEARS
REGD. OFFICE AT GROUND FLOOR
SJR CYBER, 22, LASKAR HOSUR ROAD
ADUGODI, BANGALORE-560 030.
naresh.jethwani@razorphay.com
REG.UNDER COMPANIES ACT 2013.

...PETITIONERS

(BY SRI. ABHISHEK K, ADVOCATE)

Digitally signed by B K MAHENDRAKUMAR
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY BENGALURU
OFFICE OF THE INSPECTOR OF POLICE
CID NO.1, CARLTON HOUSE
PALACE ROAD, BENGALURU 560 001
ccps.kar@nic.in dispccd2.adm-kar@govt.in

2. ICICI BANK
BRANCH MANAGER
MYTREE CENTRE NO. 4/10
HOSUR ROAD, BOMMANAHALLI

BANGALORE-560 068
EMAIL john.james@icicibank.com
MOBILE NO. 8138948398.

3. YES BANK
BRANCH MANAGER
GROUND FLOOR, PRESTIGE OBELISK
KATRUBA ROAD, BANGALORE-560 001
EMAIL. rekha.p1@yesbank.in
MOBILE NO. 9972093666.

…RESPONDENTS

(BY SRI. B A BELLIAPPA, SPP-I A/W
SRI. VENKATSATYANARAYAN A, HCGP FOR R1;
SRI. VIKRAM UNNIRAJAGOPAL, ADVOCATE FOR R3;
R-2 SERVED)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE ILLEGAL MARKING OF LIEN/DEBIT FREEZE OF MONIES BY R1, VIDE AT ANNEXURE-K, L AND M IN RESPECT OF E-MAIL COMMUNICATION DATED 07.11.2022 RESPECTIVELY ON INR 94, 05, 91, 440 IN THE BANK ACCOUNTS OF THE PETITIONERS HELD WITH R2 AND 3 AS MENTIONED IN DETAILS IN TABLE A ABOVE AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The freezing of the current bank account No.002281300009716 of the petitioner No.2 in the respondent No.3 Bank is impugned in this petition.

2. The Cyber Crime Police Station, CID in Crime No.8/2021 registered the case with regard to the fraudulent transactions that had taken place and had issued a notice under Section 109 and 102 of Cr.P.C. to the respondent No.3 Bank to freeze the account of the petitioner No.2. As per the instructions of respondent No.1, the total amount to be put on

debit freeze in respect of five CIDS was INR 5,48,96,977/-. Accordingly, an amount of INR 5,48,96,977/- was put on debit freeze by respondent No.3 on the current account bearing No.002281300009716 of the petitioner No.2.

3. On 4.10.2023, the learned SPP on instructions submitted that an amount of Rs.65 lakh was fraudulently transferred to the bank account of the petitioner No.2. This Court on 4.10.2023 permitted the Bank to mark the lien for an amount of Rs.65 lakh, and the petitioners were permitted to withdraw the amount in excess of Rs.65 lakh from the account of the petitioner No.2.

4. The petitioners submitted an application dated 9.10.2023 to the Investigating Officer stating that no amount is standing in the five CIDs accounts, which were ordered to be frozen by the Investigating Officer. The petitioners have further explained that the amount of INR 1,61,80,778/-, which was in deposit in five CIDs, was transferred to the Enforcement Directorate, Bangalore in ECIR bearing No.ECIR/BGZO/11/2021 on 17.4.2023. The learned SPP does not dispute that the amount of Rs.65 lakh, which forms part of Rs.1,61,80,778/-, has been transferred to the Enforcement Directorate, Bengaluru.

5. Therefore, the petitioners having submitted the explanation to the satisfaction of the Investigating Officer, the petition stands disposed of directing the respondent No.3 to

defreeze current bank account No.002281300009716 standing in the name of Petitioner No.2 forthwith.

6. The petitioners are permitted to operate the subject bank account in accordance with law.

Sd/-
JUDGE

BKM