



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 12064/2025

Padam Kumar Jain S/o Sh. Babu Lal Jain

-----Petitioner

Versus

Bank Of Maharashtra and Anr.

-----Respondents



For Petitioner(s) : Mr. Akshat Sharma
For Respondent(s) : Ms. Meghna Sharma for Mr.
Bhuwnesh Sharma -AAG

JUSTICE ANOOP KUMAR DHAND

Order

11/08/2025

1. Counsel for the petitioner submits that entire bank account of the petitioner has been seized by the respondent-Bank at the instance of a letter received from the Police (Investigating Agency) without following the procedure and provisions contained under Section 102 Cr.P.C. Counsel submits that there is a flood of litigation of the similar issues wherein the hundreds and thousands of the bank accounts of innocent persons have been seized by the concerned bank, at the instance of the letters received from the Police (Investigating Agencies) with regard to the fraudulent transactions and Cyber Crime. Counsel submits that unless and until a notice is issued to the bank account holder, his entire bank account should not be seized.
2. Counsel submits that under the similar circumstances, a circular memorandum has been issued by the Commissioner of Police, Chennai, wherein a mechanism has been provided in terms of Section 102 and Section 41 (A) Cr.P.C, which is required to be



followed before initiation of seizure proceedings of the bank account. However, in the State of Rajasthan, no such circular has been issued by the Director General of Police.

3. The matter requires consideration.
4. Let notices be issued to the respondents.
5. A copy of this writ petition along with a copy of this order be supplied in the offices of Advocate General, Mr. Bhunesh Sharma-AAG and Mr. Himanshu Tholia, Adv.
6. Name of Mr. Sheetanshu Sharma (associate counsel of Advocate General) be reflected in the cause list.
7. List this matter on 18.08.2025 at the top of list, along with S.B. Civil Writ Petition No.12037/2025.
8. A general notice is issued to the Members of the Bar to address the issue involved in this writ petition, as to "whether the bank account of account holder can be seized only at the instance of a letter received from the Police (Investigating Agency) without following the procedure contained under Section 102 Cr.P.C.?"
9. Registrar (Judicial) is directed to publish a general notice in the cause list inviting Members of the Bar to address the issue involved in this petition.

(ANOOP KUMAR DHAND),J

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