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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

WEDNESDAY, THE 28TH DAY OF OCTOBER 2026 / 6TH KARTHIKA, 1948

WA NO. 2209 OF 2026

AGAINST THE JUDGMENT DATED 28.09.2026 IN WP(C) NO.41222 OF 2025 OF HIGH COURT OF KERALA

APPELLANTS:

MOHAMMAD IRFAN K.I.
AGED 20 YEARS
S/O IBRAHIM BM, THEKKEKKUNNU, PERIYA, KUNIYA, KASARAGOD, KERALA, PIN - 671316

BY ADVS.
SMT.IPSITA OJAL
SMT.MARIYAMMA A.K.
SHRI.MANAS P HAMEED
SMT.LAYA SIMON

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RESPONDENT/S:

1 **STATE BANK OF INDIA**
SBI KASARAGOD BRANCH, (REP BY BRANCH MANAGER)
KALLARACKAL BUILDING, M G ROAD, EDAPPALLY - PANVEL HWY, CHOORI, KASARAGOD, KERALA, PIN - 671121

2 **STATION HOUSE OFFICER**
CYBER CRIMES CELL PUDUCHERRY GORIMEDU, ANANDA NAGAR, PUDUCHERRY, 605006 NEW ADDRESS CYBER CRIMES CELL PUDUCHERRY GORIMEDU, ANANDA NAGAR, PUDUCHERRY EMAIL- CYBERCELL-POLICE.PY@GOV.IN

3 **THE STATION HOUSE OFFICER**
BEKAL POLICE STATION, EDAPALLY- PANVEL HIGHWAY, BEKAL, KASARAGOD, KERALA
PIN - 671318

R2 AND R3 BY SR GP SMT NAZEEBA O H
R1 BY SRI AMAL GEORGE-SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28.10.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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“C.R.”

JUDGMENT

DEVAN RAMACHANDRAN,J

The appellant filed the Writ Petition seeking that his account be discharged of the “freezing order” issued by the 2nd respondent Police Officer.

2. The appellant explains the disputed entries in his account as being the sums given to him by his cousin and her husband; and, alternatively, prays that, even if this Court is not inclined to “unfreeze” the account, such orders may be confined to the disputed amount alone.

3. The learned Single Judge, however, dismissed the Writ Petition; but then moved a step forward, directing that the account of the appellant itself be investigated into by the Police.

4. The appellant is thus in appeal.

5. Smt. Ipsita Ojal, learned counsel for the appellant, asserted that her client has made out a cogent case in support of his plea for “unfreezing” his account, explaining the source of the money; and hence, even if the learned Single Judge did not find favour with his prayer, he could have only dismissed the Writ Petition, but could not have ordered an investigation against him. She reiterated that, since her client had already explained the source of the money and since there was no other investigation pending against him - including at the hands of the 2nd or 3rd respondents, the learned Single Judge has erred egregiously in the impugned judgment. She prayed that this appeal be, therefore, allowed.

6. Shri. Amal George, learned Standing Counsel for the 1st respondent - State Bank of India (‘SBI’ for

short), conceded that his client has not received any information from either the 2nd or the 3rd respondent - Police Officers, on any investigation launched, initiated or pending against the appellant or his account. He added that this is not relevant to his client either, because they are only acting as per the requisition given to them by the 2nd respondent, freezing the account of the appellant. He prayed that, therefore, no findings be entered against his client.

7. Smt. Nazeeba O.H. - the learned Senior Government Pleader, also affirmed that, as of now, the 2nd respondent Police Officer at Puducherry, has not issued any letter implicating the appellant or his account; and that the freezing of the same appears to have been issued consequent to six disputed entries therein.

8. When one reads the impugned judgment, it becomes perspicuous that, after the learned Single Judge found against the appellant on merits, he went on to order an investigation against him and his account, noticing that there were certain *"large amounts also credited in the account of the petitioner*".(sic)

9. We are afraid that we cannot find favour with the judgment to the extent impugned because, the learned Judge could not have ordered an investigation against the appellant or his account, solely because of certain entries in the statement of such account presented by the SBI, in the course of the Writ Petition. None of the Police Officers on record imputes that the appellant is involved in any Crime; and, at best - at least as of now - the only insinuation appears to be that his account has entries of sums, which the creditors may

have obtained as proceeds of Crime. This itself being only a presumption at this stage, an investigation cannot be ordered by this Court independently.

10. In such circumstances, the direction in the impugned judgment, that the Police conduct an investigation against the appellant qua other entries in his account, cannot find forensic favour.

11. That said, as far as the “freezing” of the account of the appellant is concerned, since the statement of the 2nd respondent renders it beyond doubt that the disputed amounts are only those relating to the six entries mentioned in the statement produced by the SBI, the account will stand frozen only to that extent and not beyond.

12. In summation, we allow this Appeal and set aside the impugned judgment; with a consequential

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direction that the order of the 2nd respondent freezing the account of the appellant, will stand only to the extent to which it relates to the disputed entries in the requisition of the 2nd respondent and not beyond.

Needless to say, if there are to be any further requisition already made, or to be made either by the 2nd respondent, or any other competent Police Officers – the SBI will be bound to act as per it, subject to the rights of the appellant in law.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

BASANT BALAJI

JUDGE

kkj