News

"Some junior lawyers get trapped in this field only because of their carelessness alone," the Kerala High Court stated, cautioning junior attorneys to exercise caution while considering requests to defreeze bank accounts connected to cybercrime.

Kerala High Court, Attorneys

Recently, the Kerala High Court warned young attorneys representing clients seeking the unfreezing of bank accounts that they can unintentionally contribute to the

ongoing operation of mule accounts, which are used to hold the proceeds of cybercrime.

Young attorneys frequently take up cases involving requests to defreeze bank accounts, according to Justice MA Abdul Hakhim, because such litigation appears simple, with consistent pleadings to file and guaranteed interim orders.

The judge continued by pointing out that the Court had previously allowed frozen bank accounts in similar situations by restricting a lien on the contested sum.In the early stages of their career, it gave a number of junior attorneys excessive confidence to begin independent practice. Because of the easy practice and guaranteed orders, junior lawyers have found it to be a profitable field for their profession. A number of attorneys began practicing independently as soon as they were enrolled, the Court continued.

However, mule account holders were abusing these reliefs to keep enabling cybercrime.

In the meantime, attorneys keep submitting petitions on behalf of these scam artists in an effort to secure guaranteed remedy. While acknowledging that there were some legitimate cases, the Court also noted that other petitions of this type include more dubious transactions.Naturally, a number of junior attorneys have been handling these kinds of matters involving legitimate account holders in a reasonable manner. The Court stated that some young attorneys become stuck in this profession only as a result of their negligence.

ABDUL HAKHIM JUSTICE

It also recalled that in one such instance, when the attorney who appeared was unable to respond to even simple questions during the hearing, the Court also noted the potential that artificial intelligence was employed to generate pleadings.

In order to further check the petitioners' information, the Court in the aforementioned case further ordered that the jurisdictional police station be appointed as a party to all future bank account defreeze requests.

In his most recent ruling, Justice Hakim noted, "This Court observed a significant decline in the filing of new Writ Petitions pertaining to the unfreezing of Accounts after this direction."

However, the Bench emphasized that these remarks were not intended to disparage the new generation of attorneys.Because of their demanding legal education, moot court experiences, and legal internships, today's young law graduates are intelligent and competent. They have the practical abilities to handle legal matters and are well-versed in theory when they start their careers. They are a great asset to the Bar because of their enthusiasm for justice and technological know-how. The July 10 verdict stated, "If these bright minds are fostered with the appropriate guidance from the Senior Bar and Bench, the future of our legal system is in safe hands."

While rejecting a writ petition from a 21-year-old woman who wanted her bank account to be unfrozen, the court made these observations. According to the Court, the evidence first suggested that the account had been opened purely for the purpose of enabling cybercrime.

As a result, it instructed the Tanur Police Station's Station House Officer to file a formal complaint against the woman under Section 111 (organized crime) of the Bhartiya Nyaya Sanhita (BNS), 2023 and look into the situation.

The Court continued by discussing more significant matters. It was observed that "money mule" accounts were becoming more and more important in financial cybercrimes as a means of hiding and transferring criminal gains. The money that has been stolen is divided into smaller sums and transferred across several bank accounts. making it challenging to find and retrieve the money.

The Court noted that the account holders, also referred to as "money mules," receive a portion of the scam revenues in exchange for permitting cybercriminals to utilize their accounts.

The court also voiced worry that the petitioners' younger attorneys were unable to answer the Court's questions in several cases involving frozen bank accounts.

It was also discovered that the petitions in a number of these cases were submitted without the account holder's legal representation.

The judge said that these changes, along with the growing use of money mule accounts in financial cyber crime cases, need a more stringent approach by the courts when handling applications to defreeze bank accounts.

The petitioner was represented by attorneys Viswanath Salish, Akash Jitthu T, Nidha Sherin, and Sandra Paul.

VK Rafeek, a senior government pleader, represented the State.

Jawahar Jose, the Kerala Gramin Bank's standing lawyer, was present.