



W.P(MD)No.6261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.6261 of 2023

C.Vairavasamy

... Petitioner

Vs.

1.The Inspector of Police,
Theni Town Police Station,
Theni District.
Crime No.1030 of 2020.

2.The Branch Manager,
Tamil Nadu Mercantile Bank,
Theni Branch, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to accept the petitioner's payment in jewel loan No.JL110886 and return his jewels on the basis of the representation dated 15.03.2023 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.B.Nambiselvan
Additional Pubic Prosecutor



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ORDER

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The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the 2nd respondent to accept the petitioner's payment in jewel loan No.JL110886 and return his jewels on the basis of the representation dated 15.03.2023 within the time stipulated by this Court.

2.Even though the son of the petitioner is involved in Crime No. 1030 of 2020 on the file of the respondent police for the offence punishable registered under Sections 8(c) & 20(b)(ii)(A) of NDPS Act and now facing investigation, during the course of investigation finding some transaction would have been undertaken by the accused in the account maintained by this petitioner, freezement request was made on 13.07.2022. In pursuant to the above said request, the account was also freezed. Because of the freezement of the above said account, he cannot redeem his jewels. Therefore, he made a representation to the respondents on 15.03.2023.

3.The learned Additional Public Prosecutor fairly admitted that



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there was no transaction in this account in respect of the above said crime, which was allegedly committed by the son of the petitioner. Since no transaction took place in the above said account in respect of the above said alleged crime, freezement is not proper. Therefore, this petition is liable to be allowed. The account is defreezed.

4.Accordingly, this writ petition is **allowed** and the second respondent is directed to accept the payment of the petitioner towards his jewel loan No.JL110886 on the file of the second respondent and return his jewels forthwith. However, liberty is granted to the respondent police, if any new clue or information is available, further action shall be taken on the above said illegal crime.

06.04.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
TM

To

1.The Inspector of Police,
Theni Town Police Station,
Theni District.
Crime No.1030 of 2020.



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- 2.The Branch Manager,
Tamil Nadu Mercantile Bank,
Theni Branch, Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

TM

Order made in
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