

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3017 of 2014

1. Mohanraj
Inspector of Police
Central Crime Branch, Tiruppur
Tiruppur
(Under Suspension) ... Petitioner/Accused
2. Smt.Lakshmi Devi
W/o.Mohanraj
13-C, Railway Feeder Road
Periyanaickenpalayam
Coimbatore ... Petitioner/3rd Party
- Vs.
- 1) The Superintendent of Police
CBI - E.O.W., Shastri Bhavan
Chennai
- 2) The Superintendent of Police
Crime Branch - CID, Vellore Range
Vellore
- 3) The Manager
Canara Bank
Gudalur, Periyanaickenpalayam
Coimbatore - 641 020. ... Respondents/Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C. to direct the second respondent to de-freeze the account No.126101013379 and 1262101014283 by the Canara Bank, Gudalur, Periyanaickenpalayam, Coimbatore in connection with Crime No.3068 of 2009 on the file of the Inspector of Police, Tiruppur North now transferred to Deputy Superintendent of Police, CBCID, Vellore and again transferred to Central Bureau of Investigation as per the High Court in Crl.O.P.No.2691/2011 dated 19.04.2011 and renumbered as FIR No.R.C.13/E/2011/CBE/EOW/Chennai dated 15.06.2011 on the file of the Superintendent of Police, CBI EOW, Chennai.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)
for R1
Mr.V.Arul, G.A., (Crl. Side)., for R2
No Appearance - for R3

O R D E R

The petitioner has come forward with the present application for a direction to the second respondent to de-freeze the account No.126101013379 and 1262101014283 in the Canara Bank, Gudalur, Periyanaickenpalayam, Coimbatore in connection with Crime No.3068 of 2009 on the file of the Inspector of Police, Tiruppur North, now transferred to Deputy Superintendent of Police, CBCID, Vellore and again transferred to Central Bureau of Investigation as per the High Court in Crl.O.P.No.2691/2011 dated 19.04.2011 and renumbered as FIR No.R.C.13/E/2011/CBE/EOW/Chennai dated 15.06.2011 on the file of the Superintendent of Police, CBI EOW, Chennai.

2. The learned counsel for the petitioner would submit that the first petitioner is the accused and the second petitioner is the wife of the first petitioner/accused. A case has been registered against the first accused under Sections 384, 506(i), 507 of IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act 2002 and Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The learned counsel for the petitioner would further submit that the respondents at the time of investigation had frozen the accounts of the petitioners without intimating them and hence, the petitioners have come forward with the present application to de-freeze the account and he prayed for an order.

3. Resisting the same, the first respondent has filed a detailed counter affidavit, wherein at paragraphs 7 and 8, it was stated that with regard to the Account No.126101013379 in the Canara Bank, it was never asked by the CB-CID or CBI for being frozen and the accused may have specified the said number wrongly. As regards the Account No.1262101014283 in the Canara Bank belonging to the second petitioner, the DSP CB-CID vide his letter dated 22.09.2010 had requested the bank to de-freeze the account.

4. On considering the rival submissions, it is seen that one of the Account No. viz., 126101013379 in the Canara Bank was never asked either by the CB-CID or by the CBI for being frozen and with regard to the other Account Number belonging to the second petitioner Smt.Lakshmi Devi viz., 1262101014283, it was already intimated to the Bank to de-freeze the said account. Hence, the petitioners are not entitled to any relief as sought for in this petition.

5. Therefore, recording the submissions made by the first respondent, the Criminal Original Petition stands disposed of.

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-s/d-

Assistant Registrar(CO)

Dt:11/2/2015

True Copy

Sub-Assistant Registrar

To

- 1) The Superintendent of Police
CBI - E.O.W., Shastri Bhavan
Chennai.
- 2) The Superintendent of Police
Crime Branch - CID, Vellore Range
Vellore.
- 3) The Special Public Prosecutor (CBI cases)
High Court, Madras.
- 4) The Public Prosecutor
High Court, Madras.
- 5) The Inspector of Police,
Tiruppur (North)
Tiruppur.
- 6) The Manager,
Canara Bank,
Gudalur, Periyanaickenpalayam,
Coimbatore 641 020.

+ 1 cc to Mr.C.Deivasigamani, Advocate SR 6788.

ssi(co)
prk13/2

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