

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.11984 OF 2015

DATED 1st DECEMBER, 2015

Between:

A. Suresh .. Petitioner

and

The State of Andhra Pradesh, rep. by its

Principal Secretary, (Home Department)

and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.11984 OF 2015

ORDER

The grievance of the petitioner was that the Circle Inspector of Police, West Police Station, Tirupati, Chittoor District, froze his Savings Bank Account bearing

No.30697137392 under his order dated 19.10.2010. Pursuant thereto, the State Bank of India, Ramanuja Circle Branch, where the said account was being operated, did not allow the petitioner to have access to the account.

It is the case of the petitioner that the subject Savings Bank account was frozen in connection with Crime No.111 of 2010 on the file of West Police Station, Tirupati, in which a charge-sheet was laid vide C.C.No.59 of 2011. The petitioner further asserts that after a full-fledged trial therein, the learned III Additional Judicial Magistrate of First Class, Tirupati, by judgment dated 06.11.2013, acquitted the petitioner and the other accused.

Perusal of the judgment passed by the Court below reflects that the freezing of the petitioner's bank account was brought to the notice of the Court below but no passbook or ATM card was marked in evidence. In effect, the petitioner's bank account cannot be said to be the case property in the said crime, in relation to which an application could have been maintained under Section 452 Cr.P.C. at the time of conclusion of the trial.

As matters stand, the petitioner already stands acquitted in the criminal case and his involvement therein was the only basis for freezing his account. That being so, the order dated 19.10.2010 can no longer be given effect to in the eye of law.

The writ petition is allowed setting aside the freezing order dated 19.10.2010 passed by the Circle Inspector of Police, West Police Station, Tirupati. The Branch Manager, State Bank of India, Ramanuja Circle Branch, Tirupati, shall allow the petitioner to have access to his Savings Bank account in accordance with the due procedure. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

1st DECEMBER, 2015

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