IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.25502 of 2016

N.Manoharan ..Petitioner

Vs

1.State by
The Inspector of Police
Central Crime Branch, Team XXXI
Chennai.

2.The Manager
State Bank of India
T.Nagar Branch
No.2, Prakasam Road
T.Nagar, Chennai 17. .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to examine the records, statements of freezing of the account accordingly direct and defreeze the said account Vide A.C.No.31263567887, Account in State Bank of India, T.Nagar Branch, Chennai 17 in the name of M/s Unique Trading which was operated for the petitioner business as service render.

For Petitioner : Mr.K.M.Srirangan
For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to examine the records, statements of freezing of the account, accordingly direct and defreeze the said account Vide A.C.No.31263567887, account in State Bank of India, T.Nagar Branch, Chennai 17.

2. On the complaint lodged by Mohan, Assistant General Manager, State Bank of India, Chennai-1, the respondent police registered a case in Cr.No.269 of 2016 u/s 409, 465, 468, 471 and 420 IPC against Rajiv Basanth Row.

3. It is the case of the de facto complainant that Rajiv Basanth Row was working as Special Assistant in the State Bank of India and that she had embezzled the money of the customers of the Bank, to the tune of over Rs.2 crores. During the course of investigation, Rajiv Basanth Row was arrested by the police and the involvement of this petitioner in the offence came to light. It was disclosed by Rajiv Basanth Row that she had embezzled certain amounts and had handed over the same to this petitioner. This petitioner was arrested by the police on 05.10.2016 and was later released on bail by order of the Principal Sessions Judge, Chennai on 20.10.2016, on condition that he should deposit a sum of Rs.5,50,000/-. The petitioner complied with the said condition and was released on bail. Thereafter, it appears that the police, by order dated 07.10.2016, u/s 102 Cr.P.C., has frozen the two Bank accounts, viz., A/c No.35338873531 held with State Bank of India, M.R.C.Nagar Branch, Chennai, and A/c No.31263567887 held with State Bank of India, T.Nagar Branch, Chennai, challenging which the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5. Today, Mr.V.R.Annadurai, Inspector of Police, CCB, Chennai, is present before this Court.

6. On instructions, the learned Additional Public Prosecutor submitted that pursuant to the disclosure statement made by Rajiv Basanth Row, wherein, she has stated that the money embezzled from the Bank was paid to the petitioner, the police had arrested the petitioner and had frozen his Bank accounts in order to obtain evidence and also to recover the embezzled amount.

7. It is trite that the police have the power to freeze the Bank account of an accused in exercise of powers u/s 102 Cr.P.C. However, on account of the demonetization order of the Central Government, it will cause undue prejudice to the accused, if he is not permitted to operate the Bank account, inasmuch he may not be able to receive legal amounts that are due to him. He may not be able to pay by cheque or credit card, expenses like payment of electricity bill, purchase of grocery etc.

8. Under such circumstances, it will be in the interest of justice if the following directions are issued:

- The amount that has been frozen by the police, as on date, shall remain in the Bank account, until further directions are issued by the police or the concerned Magistrate/trial Court.
- The petitioner is permitted to operate the aforesaid two

Bank accounts prospectively from today [01.12.2016].

- The petitioner will not be permitted to withdraw any amount that is there in his account prior to 01.12.2016. Future withdrawals are permitted.
- The petitioner shall furnish to the police the statement of accounts periodically, as and when required by the police.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
Central Crime Branch, Team XXXI
Chennai.

2.The Branch Manager
State Bank of India,
M.R.C.Nagar Branch,
Chennai.

3.The Branch Manager,
State Bank of India,
T.Nagar Branch,
Chennai.

4 The Assistant General Manager,
State bank of India, Chennai 600 001

5 The Prl. Sessions Judge,
Chennai

6 The Metropolitan Magistrate for
Exclutive trial of CCB Cases
(relating to cheating case in Chennai)
and CBCID Metro Cases, Chennai

7 The Public Prosecutor
High Court, Madras

+2cc to Mr.K. Jayaraman, Advocate, S.R.No.71338

GJ(CO)
md(02/12/2016)

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