

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

Crl.O.P.No.7006 of 2016

S.Varadhan

.. Petitioner/third party

Vs

State rep. by :
The Inspector of Police,
CBI/ACB/Chennai.

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent police to defreeze the petitioner's bank accounts more fully given in the schedule which have been frozen pursuance of the respondent prohibitory order in connection with the above case and further direct the respondent to return the documents pertaining to the petitioner which was seized at the time of search in FIR No.RC MAI A0014/2015 on the file of CBI/ACB/Chennai.

Schedule of the Account to be defreezed

1.OD A/C.No.038120000002897 in the name of S.Varadhan in City Union Bank Ltd, Triplicane Branch, Chennai.

2. Current A/C.NO.038109000002215 in the name of S.Varadhan in City Union Bank Ltd, Triplicane Branch Chennai

3.S.B.A/C.No.0380010000100098 in the name of S.Varadhan in City Union Bank Ltd, Triplicane Branch, Chennai

4. S/B A/C.No.038001000213742 in the name of S.Varadhan in City Union Bank Ltd, Triplicane Branch, Chennai.

5.Locker No.18 in the name of S.Varadhan City Union Bank Ltd, Triplicane Branch, Chennai.

6.FD Receipts (4 in number) Standing in the name of Petitioner City Union Bank Ltd, Triplicane Branch Chennai.

- a) Deposit No.500707030023717
- b) Deposit NO.500707030023719
- c) Deposit No.500707030023720
- d) Deposit No.500707030023721

SCHEDULE OF THE DOCUMENTS TO BE RETURNED TO THE PETITIONER:

- 1. Sale Deed 20.04.88(Koyambedu) DOC.NO.1552/88
- 2. Sale Deed 29.05.1992 DOC.NO.1242/92
- 3. Copy of Sale Deed dated 28.08.78

DOC.No.1191/79 SRO Triplicane.

For Petitioner : Mr.R.Rajaratnam

For Respondent : Mr.K.Srinivasan,
Spl. Public Prosecutor for CBI

ORDER

To this petition, the petitioner is a third party. But, to the accused, he is not so because he is the father-in-law of the accused.

2. The son-in-law of the petitioner is being prosecuted in pursuance of cognizable offence reported in RC 14(A)/2015-MAS under section 13(2) r/w.13(1)(e) P.C. Act 1988. Now, it has become a case in C.C.No.29 of 2015 and C.C.No.4 of 2016 pending before CBI Courts in Chennai. He is also concerned R.C.No.19 (A)/2015-MAS.

3. While pursuing investigation, the Investigating Officer gave letter to the concerned banks to freeze/prevent the account holder, namely, the petitioner from operating them. Certain items of the documents are also included. The details of the accounts so freezed and documents so seized are as under :

Accounts to be defreezed :

1. O.D. A/c No.038120000002897 in the name of S.Varadhan in City Union Bank Ltd., Triplicane Branch, Chennai.

2. Current A/c No.038109000002215 in the name of S.Varadhan in City Union Bank Ltd., Triplicane Branch, Chennai.

3. S.B. A/c No.0380010000100098 in the name of S.Varadhan in City Union Bank Ltd., Triplicane Branch, Chennai.

4. S.B A/c No.038001000213742 in the name of S.Varadhan in City Union Bank Ltd., Triplicane Branc, Chennai.

5. Locker No.18 in the name of S.Varadhani City Union Bank Ltd., Triplicane Branch, Chennai.

6. FD receipts (4 in number) standing in the name of Petitioner City Union Bank Ltd., Triplicane Branch, Chennai.

- a) Deposit No.500807030023717
- b) Deposit No.500707030023719
- c) Deposit No.500707030023720
- d) Deposit No.500707030023721

Documents to be returned :

- 1. Sale deed 20.4.88 (Koyambedu) Doc.No.1552/88
- 2. Sale ded dated 29.5.1992 Doc.No.1242/92
- 3. Copy of sale deed dated 28.8.78 Doc. No.1191/78, SRO Triplicane.

In this Criminal Original Petition, the petitioner seeks defreezing of the said accounts and return of the respective documents.

4. The prosecution filed counter. Its para 4 runs as under :

"4. It is humbly submitted that since the above three documents and bank accounts freezed are not taken as relied upon documents, CBI has no objection to return the said documents and de-freezing of the bank accounts of Shri S.Varadhan."

5. This is the factual aspect of the matter. In P.Karuppusamy Vs. State by Additional Superintendent of Police [2016(1) MWN (Cr.) 341] under similar circumstances, I have ordered returning of the documents. Karruppusamy (Supra) squarely applies to the case.

6. In the circumstances, the respondent is directed to send a letter to the concerned bank to defreeze the bank accounts in the name of the petitioner and also he will return the seized documents to the petitioner.

7. Accordingly, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The VIII Principal Sessions Judge
for CBI Cases,
City Civil Court, Chennai.
 2. The XIV Additional Sessions Judge,
for CBI Cases,
City Civil Court, Chennai.
 3. The Special Public Prosecutor,
CBI Cases,
High Court, Madras.
 4. The Inspector of Police,
CBI/ACB/Chennai.
- +1 cc to Mr.R.Rajarithnam Advocate sr.26732

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