

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.11.2017

Pronounced on : 17.11.2017

Coram:

The Hon'ble Dr.Justice G.Jayachandran

Criminal Revision Case No.1335 of 2017

P.Jenitta Mary

.. Petitioner

/versus/

The Superintendent of Police,
CBI/ACB Chennai,
in Cr.No.RC(6A)/2017

... Respondent

Criminal Revision Case is filed under Section 397 of the Criminal Procedure Code read with Section 401 of the Criminal Procedure Code praying to set aside the order of the II Additional District Judge(Special Court for CBI Cases) Coimbatore in CrI.M.P.No.1805 of 2017, dated 28.09.2017 and pleaded to order unfreezing of the petitioner's savings bank account in State Bank of India, Main Branch, Tiruchirappalli A/c No.20221938796 and Indian Bank, Palakkarai Branch, Trichy A/c No.6065903695, by allowing this criminal revision petition.

For Petitioner :Mr.E.P.Pradeesh

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

सत्यमेव जयते

O R D E R

The petitioner is the wife of the accused Franklin Prakash [A1]. She is a Teacher in Profession and operating a Savings Bank Account No.20221938796 in State Bank of India, Main Branch, Tiruchirappalli and a Savings Bank Account No.6065903695 in Indian Bank, Palakkarai Branch, Trichy. Both the accounts were freezed, since the money embezzled by Franklin Prakash[A1] had been deposited in these two above accounts. Sofar as in the account maintained in Indian Bank, Palakkarai Branch, Trichy A/c No.6065903695, a sum of Rs.1,21,702/- is the credit balance.

2. The contention of the petitioner is that the State Bank A/c No. 20221938796 maintained by her is a salary account also freezed and since it is freezed, she is not able to draw her salary. But, she has not disclosed either in her petition before the trial Court or before this Court in the present criminal revision petition, the amount lying in her account in the State Bank of India, Main Branch, Trichy, however, she seeks de-freezing of both the accounts.

3. The counter filed by the CBI indicates that the entire amount in both the Bank accounts of the petitioner is the money embezzled by husband Franklin Prakash[Al] and this money being liable to be forfeited to the State, no indulgence can be shown on her petition.

4. On perusal of the impugned order, it indicates that the trial Court, after considering the petition and the prayer, has held that though both the accounts are freezed, the amount lying in Indian Bank, Pallakkarai Branch appears to be proceeds of crime, it cannot be released and transferring the amount into the Court is unnecessary. The petitioner can get her salary under ECS by opening a new bank account, so no prejudice will be caused to her.

5. From the petition, it appears that the petitioner herein is maintaining two bank accounts one in Indian Bank and another in State Bank of India. She has mentioned only the amount lying in the Indian Bank, but has not disclosed the amount lying in the State Bank of India, Palakkarai Branch. In any event, the petitioner is ready to transfer the entire amount lying in the freezed account into the credit of the Crime No.RC(6A)/2017 on the file of the II Additional District Judge(CBI Cases), Chennai.

6. In such case, this Court finds that there is no illegal impediment in permitting the petitioner to operate the two accounts maintained by her viz., Savings Bank Account No.20221938796 in State Bank of India, Main Branch, Tiruchirappalli and Savings Bank Account No.6065903695, Indian Bank, Palakkarai Branch, Trichy, if the petitioner come forward to deposit the sum equal to the money lying in the credit of those two accounts.

7. Accordingly, this Court directs the petitioner to deposit the amount equal to the money lying in these two accounts into the credit of Crime No.RC(6A)/2017 on the file of the II Additional District Court (Special Court for CBI Cases), Coimbatore. On such deposit, the learned II Additional District Judge(Special Court for CBI Cases), Coimbatore shall ensure that the sum equal to the amount stands in credit of

these two accounts is deposited into the Crime No.RC(6A)/2017. On such deposit, the Bank Accounts viz., Savings Bank Account No.20221938796 in State Bank of India, Main Branch, Tiruchirappalli and Savings Bank Account No.6065903695, Indian Bank, Palakkarai Branch, Trichy, which stands in the name of the petitioner herein, shall be de-frozen.

Accordingly, the Criminal O.P is disposed off.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional District Judge(CBI Cases),
Coimbatore.

2.The Superintendent of Police,
CBI/ACB Chennai,

3.The Special Public Prosecutor(CBI Cases),
High Court, Madras.

+2 ccs to M/s.E.P.Pradesh Advocate sr 81864

Cr1.R.C.No.1335 of 2017

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सत्यमेव जयते

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