

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM:

THE HON'BLE MR.JUSTICE S.BASKARAN

Crl.A.No.62 of 2017

1.C.Sethupathy ... Appellant/Petitioner/Accused-1

2.Lakshmi Devi ... Appellant/Petitioner/Accused-2

Vs

The State  
rep. By the Inspector of Police  
CBI/ACB/Chennai  
Crime No.RC 27 (A)/2010 ... Respondent/Complainant

Criminal Appeal filed under Section 454 Cr.P.C., against the order passed in Crl.M.P.No.18 of 2016 dated 02.06.2016 in Spl.C.C.No.02/2011 on the file of learned District Judge, Special Judge for CBI Cases, Karaikal.

For Appellants : Mr.V.Krishnakumar

For Respondent : Mr.K.Srinivasan,  
Special Public Prosecutor

ORDER

The appellants herein were charged for offences under Section 13(2) r/w.13(1)(e) of the Prevention of Corruption Act, 1988 and under Section 109 IPC r/w.13 (2) r/w. 13(1)(e) of the Prevention of Corruption Act, 1988. Both the appellants were acquitted by the trial court in C.C.No.2/2011 by judgment dated 28.01.2015.

2. According to the appellants, during investigation, the respondent froze their following accounts:-

a) Karur Vysya Bank, Karaikal, **\*Account No.1240155000006155**, amount of Rs.15,932/-

b) Indian Bank, Chennai, Account No.758742032, amount of Rs.45,000/-.

c) The Union Bank of India, Nagapattinam, Account No.453401010024037, amount of Rs.70,449/-.

It is also brought to the attention of this court that the appellants herein filed CrI.M.P.No.18/2016 in Spl.C.C.No.02/2011 before the Sessions Court, Karaikal, praying to defreeze the above stated account numbers, however, the court above mentioned dismissed the petition by order dated 02.06.2016, observing that the matter has been seized by High Court, Madras.

3. It is seen that the order impugned herein is a non-speaking order without a discussion on a background thereof. Further, it is seen that Criminal Appeal No.744 of 2015 is stated to be pending before this court on appeal against acquittal order of the appellants herein in C.C.No.2 of 2011.

4. Be that as it may. Today, when the matter is taken up for hearing, Mr.K.Srinivasan, learned Special Public Prosecutor, appearing for the respondent submits that the State has no serious objection to defreeze the accounts of the appellants herein, pending criminal appeal against acquittal.

5. The learned counsel for the appellants also filed a memo stating that the appellants undertake to deposit the above said amounts, if need be, after the outcome of the appeal against acquittal filed by the State/CBI.

6. Taking into consideration the facts and circumstances of the case and the statement of the learned Special Public Prosecutor and the memo filed by the counsel for appellants, this court is inclined to order for defreeze the account numbers of the petitioners/appellants herein.

7. In the result, this Criminal Appeal is allowed. The accounts mentioned in the affidavit filed in support of the above appeal shall be defreezed within 2 weeks from the date of receipt of a copy of this order. The appellants are directed to comply with the formalities specified by the Banks concerned as well as the State/CBI, at the time of such defreezing.

This criminal appeal is ordered on the above terms.

Sd/-

Assistant Registrar(CCC)

Dated : 13.02.2017

**\*Corrected as per Order of this Court  
dated 05.04.2017**

**Sd/- Assistant Registrar(CS II)**

**Dated : 11.04.2017**

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Inspector of Police  
CBI/ACB/Chennai  
Crime No.RC 27 (A)/2010

2. The Learned District/Special  
Judge for CBI Cases,  
Karaikal.

3. The Public Prosecutor,  
High Court, Madras.

To be Substituted to the

Order already despatched on

13.02.2017

+3cc's to Mr.V.Krishnakumar, Advocate, S.R.No.20534

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md(13/02/2017)

CA(11.04.2017)



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