

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 22.08.2017****Coram:****THE HON'BLE Mr. JUSTICE A.D. JAGADISH CHANDIRA****Crl.O.P.No. 27119 of 2011**

S. Sivakami,
W/o B. Selvam,
No.32, 4th Street,
Nettukuppam, Ennore,
Chennai 600 057
President of Kalangarai Vilakkam Pengal
Munnetra Pothu Nala Sangam,
A Society registered under
The Societies Act, Reg. No. 235/2007.

...Petitioner

Versus

The Inspector of Police,
Central Crime Branch,
Chennai Sub Urban Commissionerate,
St. Thomas Mount, Chennai.
Crime No. 119/2009.

...Respondent

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Criminal Original Petition filed under Section 482 of Cr.P.C

praying to pass an order to recall the order issued by the respondent herein to
attach the Bank Account of the petitioner herein, held with Union Bank of
India, Ennore Kathiwakkam Branch in SB A/c. No. 332802010568894.

For petitioner : Mr. Thirumaran
For respondent : Mr. B. Ramesh Babu,
Government Advocate (Crl.side)

ORDER

This Criminal Original petition has been filed to pass an order to recall the order issued by the respondent herein to attach the Bank Account of the petitioner herein, held with Union Bank of India, Ennore Kathiwakkam Branch in SB A/c. No. 332802010568894.

2. The learned counsel for the petitioner submits that the petitioner is the President of the Kalangarai Vilakkam Pengal Munnetra Pothu Nala Sangam, a Society registered under The Societies Act, bearing Registration No. 235/2007. He submits that a complaint has been given by one Mrs.S.Kanchana and a case was registered against the petitioner and others in Crime No. 119 of 2009 for offence under Sections 406 & 420 IPC, pursuant to which, the respondent had frozen the account of the society by sending a letter under Section 160 & 91 Cr.P.C to Union Bank of India and

thereby the accounts were frozen. The counsel for the petitioner further submits that the respondent has wrongly invoked the provisions and frozen the accounts of the society which is wrong and prayed that the order has to be set aside.

3. The learned Government Advocate submits that the investigation in this case has been completed and final report has been filed in C.C.No.26 of 2012 and the matter is pending trial on the file of Judicial Magistrate Court No.I, Poonamallee and moreover two witnesses have been examined in this case. The learned Government Advocate submits that it is for the petitioner to file appropriate applications before the Trial Court to de-freeze the accounts and that he has directly approached this Court. He also submits that due to the pendency of this application, the respondent is unable to proceed with the trial in this case.

4. The petition is of the year 2011. If the petitioner feels that the procedure adopted by the petitioner is wrong, he ought to have filed an appropriate petition before the Trial Court for de-freezing the account which has not been done. The petitioner having remedy to approach the lower

Court has failed to avail the remedy and moreover much water has flown and the respondent has filed the final report and the case has been taken on file and pending trial. In view of the delay and that the trial has commenced, this Court feels that the application cannot be entertained now at this juncture.

5. In view of the above, the petition is dismissed. Further direction is given to lower Court to complete the trial within a period of six months from the date of receipt of a copy of this order.

6. This Criminal Original petition stands dismissed. No costs.

22.08.2017

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Index :yes/no

Internet:yes/no

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To

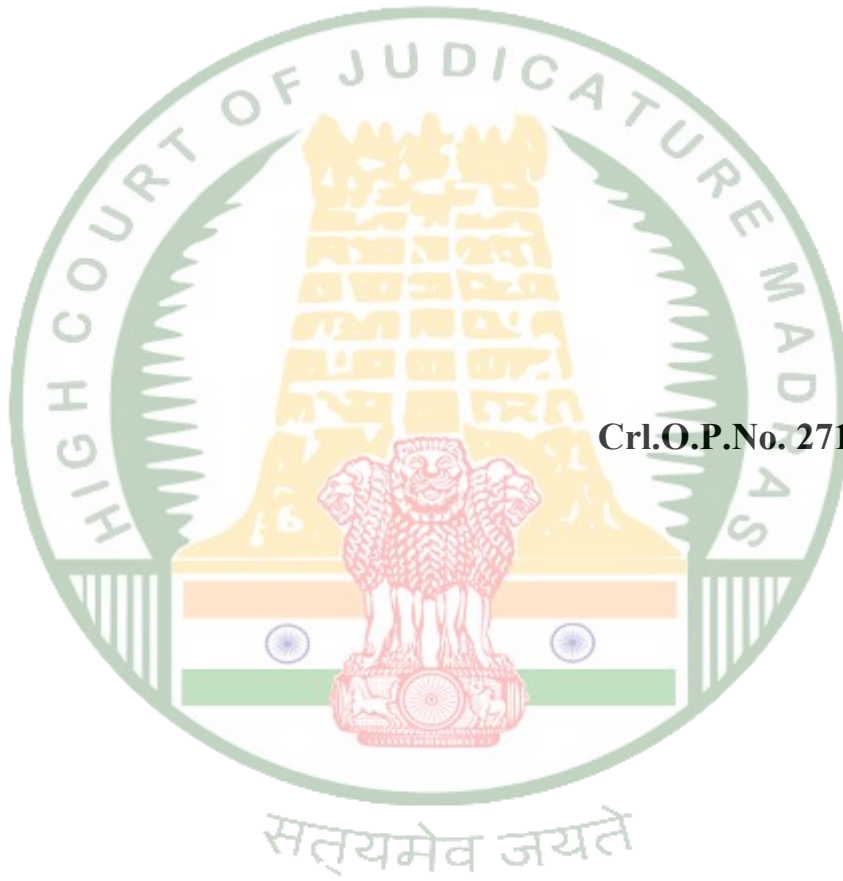
1. The Inspector of Police,
Central Crime Branch,
Chennai Sub Urban Commissionerate,
St. Thomas Mount,
Chennai
2. The Public Prosecutor,
High Court,
Madras.



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A.D. JAGADISH CHANDIRA, J.,

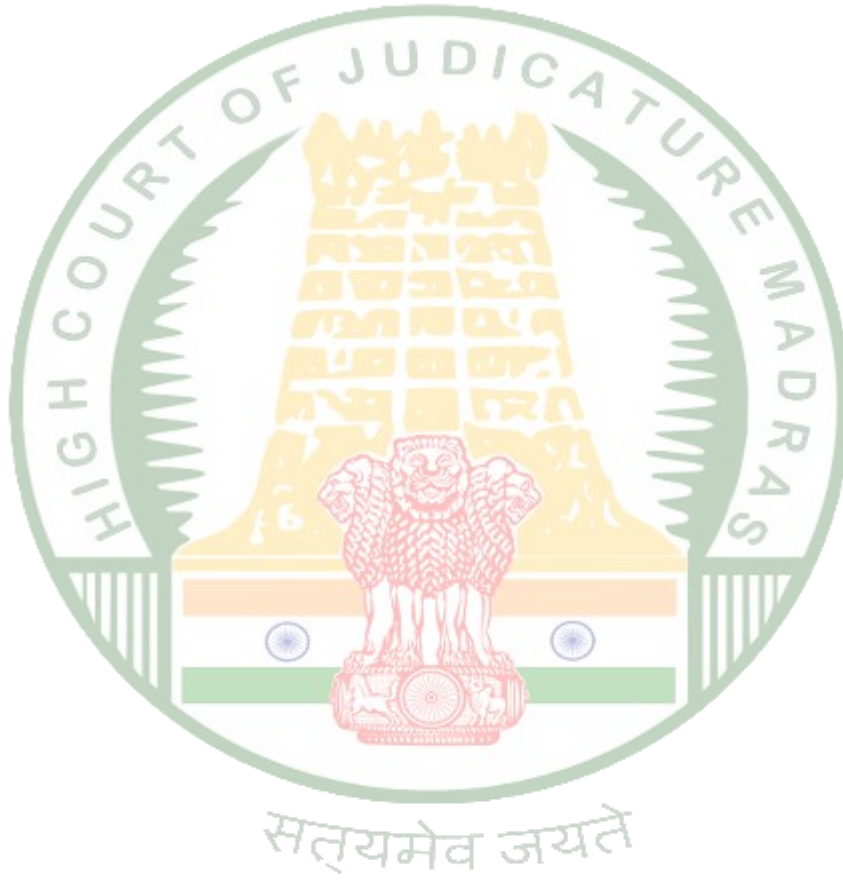
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