

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.06.2017****CORAM**

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.11362 of 2017**

M.V.P.Vailmuthupandian

... Petitioner

-vs-

1. The Assistant General Manager,
State Bank of India,
Tuticorin Branch (Code No.0943),
306, Beach Road,
Tuticorin-628 001.

2. The Branch Manager,
State Bank of India,
S.M.E.Branch,
306, Beach Road,
Tuticorin-628 001.

3. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

... Respondents

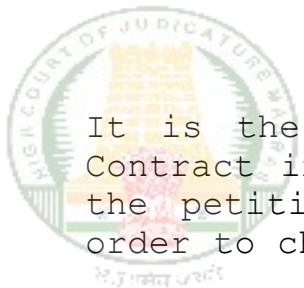
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to defreeze the amount in the petitioners Account No.32200387662 before the 2nd respondent.

For Petitioner	: Mr.S.Ramasamy
For R1 & R2	: Mr.N.Dilip Kumar
For R3	: Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader

***********ORDER**

This petition has been filed, seeking to direct the respondents 1 and 2 to defreeze the amount in the petitioners Account No.32200387662 before the 2nd respondent.

2. On the complaint lodged by one Mohammed Mahaboob, the respondent police registered a case in Crime No.96 of 2017 under Sections 406, 420, 294(b) and 506(1) IPC against the petitioner.



It is the case of Mohammed Mahaboob that he had taken a Sub-Contract in respect of some PWD work from the petitioner and that the petitioner had given a forged cheque for Rs.37,01,264/- in order to cheat him.

3. In view of the above, the Inspector of Police, Munneerpallam Police Station has issued a direction to the Branch Manager, State Bank of India, S.M.E.Branch, Beach Road, Tuticorin to withhold Rs.37,01,264/- in the Account Number 32200387662 of the petitioner. Under such circumstances, the petitioner is before this Court with the above prayer.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for R3. On the direction of this Court, Mr.N.Dilip Kumar, Panel Counsel for SBI takes notice for R1 and R2.

5. Without going into the merits of the matter, this Court is of the view that it will be in the interest of justice, if the sum of Rs.37,01,264/-, lying credit of Account No.32200387662 is kept frozen until appropriate orders are passed by the Judicial Magistrate No.V, Tirunelveli. However, the petitioner should be permitted to operate the Bank Account, otherwise, the petitioner's other financial dealings like payment of money for credit card, electricity bill, telephone bill, wages to employees etc. will come to a standstill.

6. Therefore, this Court directs the respondent Nos.1 to 3 to permit the petitioner to operate the above said Account No.32200387662, but however, the petitioner will not be entitled to withdraw or deal with the sum of Rs.37,01,264/- until further orders by the Judicial Magistrate No.V, Tirunelveli. The petitioner may approach the Judicial Magistrate No.V, Tirunelveli with regard to withdrawal of Rs.37,01,264/- and the Magistrate shall order notice to the Police and the defacto complainant and thereafter, pass orders in accordance with law.

7. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To:

1. The Assistant General Manager,
State Bank of India,
Tuticorin Branch (Code No.0943),
306, Beach Road, Tuticorin-628 001.



2. The Branch Manager,
State Bank of India,
S.M.E.Branch,
306, Beach Road,
Tuticorin-628 001.

3. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

Copy to

The Judicial Magistrate No IV,
Tirunelveli.

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.61374
+1cc to Mr.S.Ramasamy, Advocate Sr.No.61310
+1cc to Spl.Government Pleader Sr.No.61190

AR

VB/KP/SAR1/03.07.2017/3P/8C

W.P. (MD) No.11362 of 2017
20.06.2017