IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 25.04.2018]

[Pronounced on : 02.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.446 of 2018

S.Chandrasekar ... Petitioner/A.1

.. Vs ..

The State rep. by
Inspector of Police,
Team-2, Job Rocketing,
Central Crime Branch,
Vepery, Chennai. ... Respondent/Complainant

PRAYER:
Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C., praying to set aside the order dated 13.11.2017 made in Crl.M.P.No.3430 of 2017 on the file of the learned Metropolitan Magistrate, for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai.

For Petitioner : Mr.R.Muniyapparaj

For Respondent : Mr.R.Surya Prakash, Government Advocate

ORDER

This criminal revision case is filed against the order dated 13.11.2017 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, in Crl.M.P.No.3430 of 2017.

2. The petitioner, who is arrayed as A.1 in Crime No.187 of 2017 on the file of the Inspector of Police, Team-2, Job Rocketing, Central Crime Branch, Vepery, Chennai, has filed a petition before the trial Court in Crl.M.P.No.3430 of 2017 to defreeze the bank accounts of the petitioner which was freezed by the Investigating Officer and the said petition was dismissed and as against the said dismissal order passed by the learned

Magistrate, the above criminal revision case has been filed before this Court.

3. Learned counsel appearing for the petitioner would submit that the mandatory provision contemplated under Section 102 of Cr.P.C. was not complied with and further, the amount lying in the account of the petitioner's wife and daughter has nothing to do with the alleged crime and hence, seeks for defreezing the bank account. Learned counsel appearing for the petitioner further submitted that earlier, there was a complaint lodged by the de facto complainant before the District Crime Branch, Tanjore, against the petitioner regarding the same set of facts and the District Crime Branch, Tanjore had registered a case arraying the petitioner as accused in C.S.R.No.257 of 2015 and it was completely enquired and the same was closed in the month of December, 2015. Thereafter, with the same set of facts, another complaint was lodged on 07.05.2016 by the de facto complainant against the petitioner before the District Crime Branch, Tanjore and case also been registered in Crime No.8 of 2016 by arraying the petitioner as accused for the offences under Sections 406, 420 and 506(i) IPC. Therefore, with mala fide intention wantonly the petitioner has been implicated in this case and also freezed the account of the petitioner and the accounts of the petitioner's wife and daughter.

4. Learned counsel appearing for the petitioner has given details about the freezed accounts of the petitioner and his wife and daughter by the respondent police on 19.07.2017.

Name of the Person	Name of the Bank	Account Number
Petitioner	ICICI Bank, Mylapore Branch	A/c.No.128601504372
	Bank of India, Santhom Branch	A/c.No.80161011000428
C.Revathy (wife of petitioner	ICICI Bank, Mylapore Branch	A/c.No.218601000273
	Bank of India, Santhom Branch	A/c.No.801610110001052
	Karur Vysya Bank	A/c.No.115615560011-036
C.Kiruthika (Daughter of Petitioner)	ICICI Bank, Mylapore Branch	A/c.No.218601504387

5. Learned counsel appearing for the petitioner also has given a statement showing the bank account details maintained in various Bank in his name, in the name of his wife, in the name

of the petitioner's son and in the name of the petitioner's daughter which are as follows:-

Name of the Person	Name of the Bank	Total Amount
Petitioner	Indian Bank, Raja Annamalaipuram.	Rs. 71,87,000/-
	Indian Bank, Thondrampet, Tanjore	Rs. 23,72,000/-
	Bank of India, Mylapore	Rs. 21,20,000/-
	ICICI Bank	Rs. 11,60,000/-
	SBI, Santhome	Rs. 5,10,000/-
	Total	Rs.1,33,49,000/-
C.Revathy (Wife of petitioner)	SBI, Santhome	Rs. 16,00,000/-
	Karur Vysya Bank, Mylapore	Rs. 14,85,400/-
	Bank of India, Santhome	Rs. 10,60,000/-
	Total	Rs. 51,45,000/-
Narendiran (Son of the petitioner)	ICICI Bank, Mylapore	Rs. 40,000/-
	Axis Bank, Kelambakkam	Rs. 5,00,000/-
C.Kiruthika (Daughter of petitioner)	ICICI, Mylapore	Rs. 50,000/-

6. Learned Government Advocate (Crl.Side) would submit that the respondent police has registered the case arraying the petitioner as A.1 in Crime No.187 of 2017 for the offence under Section 420 r/w. 34 of I.P.C., based on the complaint lodged by one Chakravarthy. The petitioner made a promise to secure a job for the de facto complainant and other 35 persons in the Department of Electricity Board and Transport Corporation, in which, he had received a sum of Rs.1,10,00,000/- for each persons. Subsequently, when the de facto complainant questioned about the money and job, the petitioner herein/A.1 had threatened the de facto complainant and hence, the de facto complainant has lodged the complaint on 22.06.2017 before the respondent police against the petitioner and the case has been registered as FIR in Crime No.187 of 2017.

7. It is further submitted that in order to enable the son of the petitioner to continue the education, the learned Magistrate has ordered to defreeze the petitioner's son's account in A/c.No.917010032069677 lies in the Axis Bank Branch,

Chettinad Medical College Campus Branch, Chennai, in Crl.M.P.No.4391 of 2017 on 26.02.2018 and prayed for dismissal of the petition.

8. After going through the records, it is seen that the case is taken on file as C.C.No.2725 of 2018. The matter is at fresh summons stage. It also appears that as per the objections filed by the respondent police, they are not given the correct address in which the accused is residing. Furthermore, in the absence of any other employment, it appears that crores and crores of amount have been found in the name of the petitioner's account and his wife account. As per the details furnished by the learned Government Advocate, a person without employment appears to hold an amount of Rs.1,33,49,000/- and also sum of Rs.51,45,000/- and therefore, the objection raised by the respondent police that the amount collected from various persons on the promise to get employment in the Electricity Board and Transport Corporation, he has deposited in the account of his wife and hence, if they are permitted to operate the account, the amount collected from various persons will be lost.

9. The learned trial Judge, after going through the records available at his hand, came to a conclusion that there is nothing on record to show that mandatory provisions of Section 102(3) Cr.P.C. had been violated as the freezing of bank accounts were already been informed by the Investigating Officer concerned to the Court. When that being the case, the sole ground on which the petitioner seeks to defreeze the account false to ground. In view of the observations made by the learned Magistrate and also taking note of the fact that a person without any employment seems to have crores of Rupees in his account and in the account of his wife and hence, I am not inclined to entertain this petition. Hence, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai.

2. The Inspector of Police,
Team-2, Job Rocketing,
Central Crime Branch,
Vepery, Chennai.

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.446 of 2018

SPD(CO)
CS/21/08/18