IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2018

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.589 of 2018

M.Narendra ... Petitioner

Vs.

Investigating Officer,
Central Bureau of Investigation,
Anti Corruption Branch,
Sastri Bhavan,
Chennai-600006. ... Respondent

Prayer: Criminal Revision case filed under Section 397 and 401 of Cr.P.C. praying to set aside the order of the learned XI Additional Sessions Judge and Special Judge for CBI Cases, Chennai dated 31.01.2018 in Crl.Mp.No,3985 of 2017 in RCMA1 2014 A0004 and raise the attachment on the following bank accounts:

S.No.	Account Number	Name of Account Holder	Name of the Bank
1	SB/02/010093	M.Narendra	Corporation Bank, 133, Mangalore-Pandeshwar, Mangaladevi Temple Road, Pandeshwar, P.B.No.42, Mangalore-575 001.
2	SB/02/000134	M.Narendra	Corporation Bank, Santacruz East Branch, Wajid House, I/C, Kalina Market, Kalina Kurla Road, Santacruz (East), Mumbai.

in favour of the petitioner and to permit him to operate the above bank accounts.

For Petitioner : Mr.P.V.S.Giridhar
for M/s. Giridhar and Sai

For Respondent : Mr. K. Srinivasan
Special Public Prosecutor for CBI

ORDER

This Criminal Revision Petition is arising out of the order of the learned XI Additional Sessions Judge and Special Judge for CBI Cases, Chennai dated 31.01.2018 in Crl.M.P.No.3985 of 2017 in RCMA1 2014 A0004, whereby the petitioner herein, who is the account holder in Corporation Bank, Mangalore and Santacruz East, Mumbai bearing Account Nos.SB/02/010093, SB/02/000134, respectively had suffered freezing of account by CBI by invoking Section 102 Cr.P.C.

2 The petitioner, who is arrayed as 13th accused, had sought for defreezing the account before the trial Court, after exhausting his remedy of representing to the bank as well as the Investigating Agency. The trial Court declined to entertain the petition on the ground that the investigation has been pending and this application has to be revived after filing final report.

3 Aggrieved by that, the present revision petition is filed on the ground of violation of Section 102 and 105 (e) Cr.R.C. It is contended that the prosecution has not brought before the Court any material to link the money in the said account to that of the alleged crime. It is also pointed out by the learned counsel appearing for the petitioner that the respondent had not intimated the account holder about the freezing of account, which is a mandatory requirement.

4 Referring to the judgment of this Court regarding necessity to intimate the account holder, whenever the Investigating Agency invokes Section 102 Cr.P.C., for freezing the account, the learned counsel appearing for the petitioner would submit that unmindful of the provision of the code as well as the direction of this Court, the prosecution has freezed the account, which has nothing to do with the alleged crime. To buttress this submission, the learned counsel has also submitted the statement of account showing that SB/02/010093 has remittance of dividend accrued from investment in shares and SB/02/000134 account itself was opened on 16.12.2014 after his retirement. The prosecution has not pointed out any material to show that these two accounts relates to the alleged crime.

5 Per contra, the learned Special Public Prosecutor submits that though in the counter before the trial Court as well as before this Court the prosecution has not specifically mentioned, that this money is related to the crime, defreezing the account need not be entertained at this point of time. Based on a single complaint, 13 cases were registered and out of 13 cases, in 10 cases charge sheet has already been filed and in 3 more cases investigation is yet to be completed. Whether the money deposited in these two accounts are from the crime proceeds or not cannot be decided at this stage. If there is no material to indicate the amount lying in these accounts does form part of crime proceeds then the investigating agency will defreeze the account immediately.

6 Recording his submission this Court, without adverting to the other submissions made by the petitioner, dispose the revision petition with a direction to the respondent to consider whether freezing of these two accounts necessary for the prosecution, if there is no material or reason or justification to freeze the account, the Investigating Agency shall independently take a decision and pass appropriate orders without waiting for filing the final report.

7 It is expected that the respondent shall pass appropriate orders on the request on the petitioner to defreeze the account within a period of 30 days from today.

8 With the above directions, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1 The Investigating Officer,
Central Bureau of Investigation,
Anti Corruption Branch,
Sastri Bhavan, Chennai-600006.

2 The Special Public Prosecutor for CBI cases,
High Court, Madras.

+1cc to M/s. Giridhar and Sai, Advocate sr.no.44645

Crl.R.C.No.589 of 2018

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nr 25/07/2018