

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 26.07.2018

PRONOUNCED ON: 09 .08.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.5533 of 2018

Dr. Saravanan Karuppasaamy

Petitioner

vs.

1 The State of Tamil Nadu
represented by the Inspector - CB-CID, OCU
Coimbatore City
(Cr. No.1 of 2009)

2 The Manager
Bank of India
No.25 Second Cross Street
Trustpuram
Kodambakkam
Chennai 600 024

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the respondents to de-freeze Current Account bearing A/c No.801420110000291 in the name of "World Human Rights Commission and Rescue Centre" and Saving Bank A/c bearing A/c No.801410210000002 in the name of "World Human Rights Association Centre and Rescue Congress Party of India Trust".

For petitioner

Dr. Saravanan Karuppasaamy
Party-in-person

For R1

Mr. C. Iyappa Raj
Additional Public Prosecutor

For R2

Mr. Benjamin George

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents to de-freeze Current Account bearing A/c No.801420110000291 in the name of "World Human Rights Commission

and Rescue Centre" and Saving Bank A/c bearing A/c No.801410210000002 in the name of "World Human Rights Association Centre and Rescue Congress Party of India Trust".

2 Heard the party-in-person, Mr. C. Iyappa Raj, learned Additional Public Prosecutor appearing for the first respondent-State and Mr.F.B.Benjamin George, learned counsel for the second respondent bank.

3 To understand the grievance of the petitioner, it may be necessary to state in brief, the history of the prosecutions against him.

3.1 In February 2009, the petitioner took accommodation in the Public Works Department Circuit House in Coimbatore, representing that he is from the Human Rights Commission. After taking accommodation, he called a Press Meet on 07.02.2009 in the Circuit House, in which, some Press men started questioning him about this credentials, on account of which, a quarrel ensued there.

3.2 On the complaint given by the petitioner, a case in B-4, Race Course P.S. Cr. No.36 of 2009 was registered against some Press men. However, this incident got highlighted in the Press on the next day. The District Collector smelt a rat and ordered an enquiry, in which, it came to light that the petitioner had nothing to do with the Human Rights Commission and that he has prepared visiting cards, identity cards and letter heads with the State emblem, with which, he has been taking the public for a ride.

3.3 On the complaint of the Reception Tahsildar of the Public Works Department Guest House, Coimbatore, a case in Race Course P.S. Cr. No.191 of 2009 under Section 420 IPC was registered against the petitioner. Similarly, the CB-CID, Coimbatore, also registered another case in Cr. No.1 of 2009 against the petitioner and his cohorts for similar offences.

3.4 During the course of investigation, it was found that the petitioner had opened bank accounts in Bank of India, Kodambakkam Branch, Chennai, in the name of "World Human Rights Commission and Rescue Centre" and "World Human Rights Commission". On coming to know of this, the police issued directions under Section 102 Cr.P.C. to freeze those bank accounts.

3.5 For de-freezing his bank accounts, the petitioner has filed the present petition running to 23 pages with irrelevant pleadings. Even in the course of arguments, the petitioner was projecting as if he a sentinel of human rights and that he has

been crusading throughout his life for the protection of human rights.

4 The investigation in Cr. No.191 of 2009 was completed and a charge sheet has been filed against the petitioner and others in C.C. No.83 of 2010 before the Chief Judicial Magistrate, Coimbatore, for the offences under Sections 120-B read with Sections 170,177,182,417,419,468,471 and 420 IPC. Similarly, the investigation in CB-CID Cr. No.1 of 2009 was completed and a charge sheet in C.C. No.84 of 2010 has been filed against him before the Chief Judicial Magistrate, Coimbatore, for the offences under Sections 120-B read with Sections 170,417,419,420,465,468 and 471 IPC read with Section 34 IPC. Instead of facing the trials, the petitioner has been filing plethora of frivolous petitions before the Trial Court and this Court for scuttling the progress of the trials against him.

5 Coming to the issue at hand, the petitioner filed an application before the Trial Court for de-freezing the same bank accounts, which was dismissed on 22.01.2010, challenging which, he filed Crl.R.C. No.250 of 2010 before this Court. This Court dismissed Cr.R.C. No.250 of 2010 on 21.04.2010 with the following observations:

"5. In considered the submissions made on either side and perused the materials made available on record. The petitioners have got a Savings Bank Account and Current Deposit Account in the Bank of India, Kodambakkam Branch, in the name of World Human Rights Association Centre, which accounts have been frozen as per the directions issued by the Crime Branch, CB-CID, Coimbatore. According to the learned Government Advocate, investigation is pending. In these circumstances, this Court feels that at this stage, it is not proper to pass an order to de-freeze the above mentioned accounts, which stand in the name of World Human Rights Association Centre. Accordingly, Crl.R.C. No.250 of 2010 is dismissed."

6 The petitioner has suppressed this fact and has filed the present petition for de-freezing his accounts on the ground that he has to receive money for conducting International Conference on Human Rights in India. On this short ground of suppression alone, this petition deserves to be dismissed.

7 It is necessary to add here that, under the Emblems and Names (Prevention of Improper Use) Act, 1950, there is a prohibition to use logo/emblem of the National Human Rights Commission and also the name "National Human Rights Commission". Though the petitioner has not opened the bank accounts in the

name of "National Human Rights Commission", but, in the name of "World Human Rights Commission", yet, he cannot be permitted to operate the bank accounts, as, it is all the more probable that general public will be deceived for collecting donations.

In the result, this Criminal Original Petition is dismissed with costs of Rs.50,000/- payable by the petitioner to the Tamil Nadu State Legal Services Authority, Chennai, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

cad

TO

- 1 The Inspector - CB-CID, OCU
Coimbatore City
(Cr. No.1 of 2009)
- 2 The Manager
Bank of India
No.25 Second Cross Street
Trustpuram
Kodambakkam
Chennai 600 024
- 3 The Member Secretary
Tamil Nadu State Legal Services Authority
High Court Buildings
Chennai 600 104
- 4 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.F.B.Benjamin George, Advocate SR.No.51456

Cr1.O.P. No.5533 of 2018

CNR(CO)
GN(21/08/2018)