

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.18861 of 2018

Kandasamy P.U.

.. Petitioner

Vs

1.State rep. by
The Inspector of Police
C-5, Oragadam Police Station
Kanchipuram District.
(crime No.315/2016)

2.The Manager
Karnataka Bank
Thiruvallur Branch
Thiruvallur 602 001.

..Respondents

(R2 suo motu impleaded vide order of this Court dated 01.08.2018)

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Cr.No.315 of 2016 and de-freeze the
petitioner bank account maintained at Karnataka Bank,
Thiruvallur Branch in A/c 7832500100014501.

For Petitioner : Mr.S.Suresh
For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in
Cr.No.315 of 2016 and de-freeze the petitioner's bank account
maintained at Karnataka Bank, Thiruvallur Branch in A/c
7832500100014501.

2.On the complaint lodged by Lee Jae Young, Managing
Director, M/s.Doowon Automotive Systems India Pvt. Ltd., SIPCOT
Industrial Park, Oragadam, the respondent Police registered a
case in Crime No.315 of 2016 on 12.10.2016 under Section 381 and
109 IPC against Kandaswamy [A1], Aravindhnan [A2] and Arun Kumar
[A3] and others. It is the case of the de facto
complainant that the accused had stolen some raw materials from
the complainant's factory to a tune of Rs.47,18,427/-. The

Police arrested Kandaswamy [A1] and Aravindan [A2] and during the course of investigation, it came to light that Kandaswamy [A1] had secreted the proceeds of the crime in his locker with Karnataka Bank, Thiruvallur Branch, Tiruvallur District. Hence, the Investigating Officer sent a requisition under Section 102 of Cr.P.C. to the Branch Manager, Karnataka Bank, Thiruvallur Branch, to freeze the bank account of Kandaswamy [A1], pursuant to which, the Branch Manager has frozen the bank account, challenging which, Kandaswamy [A1] is before this Court.

3. Heard Mr. Suresh, learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the first respondent-State and perused the materials placed on record. This Court suo motu impleaded the Manager, Karnataka Bank, Thiruvallur Branch as second respondent.

4. Mr. Suresh contended that after passing orders under Section 102 Cr.P.C., the Police have failed to inform the jurisdictional Magistrate and therefore, the order of the learned Magistrate stands vitiated, in the light of the judgment of this Court in B. Ranganathan Vs. State and Others [2003 (Crl.) L.J. 2779].

5. The petitioner filed Crl.O.P.No.4983 of 2017 for similar relief, in which, the Investigating Officer filed a counter affidavit dated 16.03.2017, on the strength of which, final orders were passed on 09.07.2018 giving certain directions. Since the facts of the case have been set out in the order dated 09.08.2018 in Crl.O.P.No.4983 of 2017, it may not be necessary to re-state them again here.

6. Therefore, this Court directs the Branch Manager, Karnataka Bank, Thiruvallur Branch, Tiruvallur District to deposit the amount standing in the credit of Kandaswamy's bank A/c.No.7832500100014501 in Crime No.315 of 2016 before the District Munsif-cum-Judicial Magistrate Court, Sriperumbudur within two weeks from the date of receipt of a copy of this order. On such deposit, the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur is directed to re-deposit the amount in any Nationalised bank, so that the amount accrues interest.

7. Thereafter, liberty is given to the petitioner to file an application under Section 451 Cr.P.C. before the District Munsif-cum-Judicial Magistrate, Sriperumbudur for interim custody of the amount by giving satisfactory explanation that the said amount is not connected to the proceeds of the crime. On such application being filed, the same shall be dealt with by the learned Magistrate in accordance with law. The petitioner will be entitled to operate his savings bank

A/c.No.7832500100014501, after the amount standing in the account is transferred to the file of District Munsif-cum-Judicial Magistrate in Crime No.315 of 2016.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
C-5, Oragadam Police Station
Kanchipuram District.

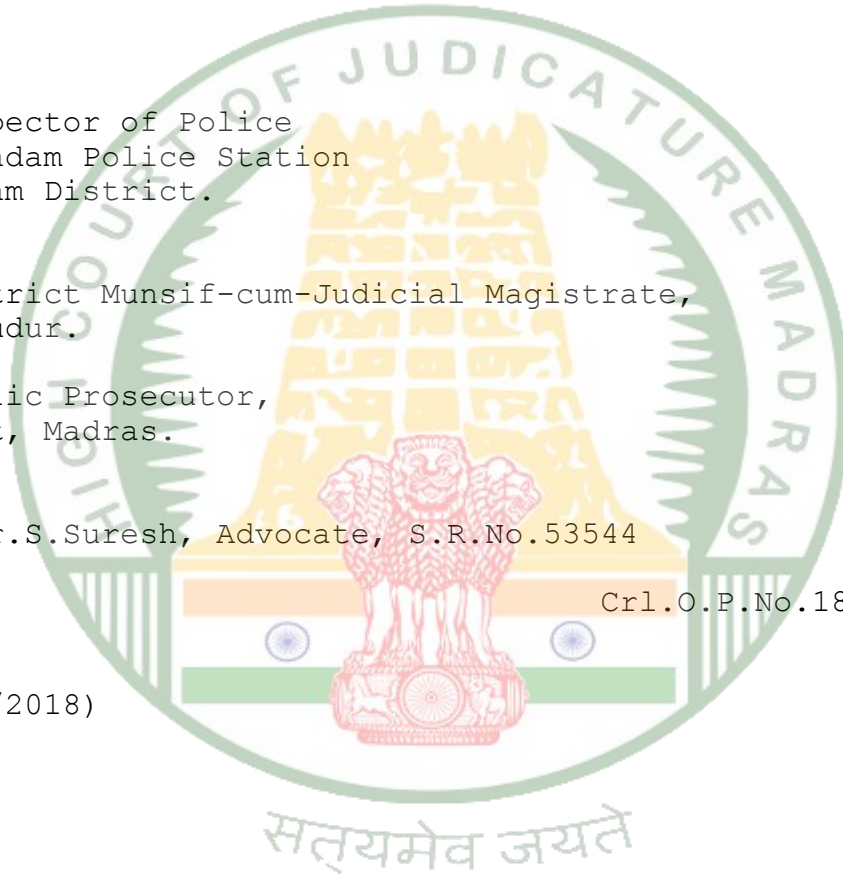
2.The District Munsif-cum-Judicial Magistrate,
Sriperumbudur.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Suresh, Advocate, S.R.No.53544

Cr1.O.P.No.18861 of 2018

NRL (CO)
GSP(10/09/2018)



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