

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :01.08.2018
CORAM
THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.No.19155 of 2018

S.Muthupandiyan

...Petitioner

vs

1.The Commissioner of Police,
O/o. Commissioner of Police,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
J-5, Shasthri Nagar Police Station,
Shasthri Nagar,
Chennai - 600 020.

3.The Manager,
Tamil Nadu Mercantile Bank,
No.4, TTK Road,
Royapettah,
Chennai - 600 014.

.... Respondents

Prayer:Criminal Original Petition has been filed under Section 482 Cr.P.C seeking a direction to the 2nd respondent to issue a letter of certificate of NO OBJECTION to 3rd respondent to release the account of petitioner maintained with Tamil Nadu Mercantile Bank, TTK Road Branch bearing Account No.123100050012302 which was frozen on 11.02.2008 by the direction of the 2nd respondent in connection with Crime No.322 of 2008.

For Petitioner : Mr.H.Prosper

For Respondents: Mr.C.Raghavan,
Government Advocate (Crl. Side)
For R1 & R2

W E B C O P Y
O R D E R

This Criminal Original Petition has been filed seeking a direction to the 2nd respondent to issue a letter of certificate of NO OBJECTION to the 3rd respondent to release the account of petitioner maintained with Tamil Nadu Mercantile Bank, TTK Road Branch bearing Account No.123100050012302, which was frozen on 11.02.2008.

2. Today, Mr.K.Lakshmanan, Sub-Inspector of Police, J-5, Shasthri Nagar Police Station, Chennai, is present before this Court.

3. On the compliant lodged by Kovilpatti Nadar Uravin Murai Sangam that the petitioner has misappropriated Rs.3,00,000/- (Rupees Three Lakhs Only), a case in Crime

No.322 of 2008 was registered by the second respondent police under Sections 408 and 420 IPC. During investigation, the police issued orders under Section 102 of CR.P.C., freezing the Bank Account of the petitioner viz., Account No.123100050012302 maintained in the Tamil Nadu Mercantile Bank, TTK Road Branch, Royapettah, Chennai. (3rd respondent herein). After completing the investigation, the petitioner was prosecuted in C.C.No.9579 of 2008 and was convicted and sentenced by the IX Metropolitan Magistrate, Saidapet, Chennai on 31.03.2016. Thereafter, the petitioner filed Crl.A.No.118 of 2016, which was allowed by the XVI Additional Sessions Judge, Chennai on 06.01.2017 and the petitioner has been acquitted.

4. The State has not filed any appeal against his acquittal. Under such circumstances, the petitioner is before this Court seeking a direction to the respondent police to defreeze the said Bank Account.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 & 2 - State.

6. In view of the fact that the petitioner has been acquitted by the Sessions Court, Chennai on 06.01.2017 in Crl.A.No.118 of 2016, this Court directs the second respondent police to issue necessary instructions to the 3rd respondent for defreezing the account of the petitioner, within a period of one month from the date of receipt of a copy of this order.

With the above direction, this petition is ordered.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mk/krk

To

1.The Commissioner of Police,
O/o. Commissioner of Police,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
J-5, Shasthri Nagar Police Station,
Shasthri Nagar,
Chennai - 600 020.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.H.Prosper, Advocate SR.NO.52142

SSV(CO)
sm:20.8.2018

Cr1.O.P.No.19155 of 2018



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