



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.10023 of 2016

Purushothaman

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
CBCID,
Theni District,
Theni.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar.
[Crime No.10 of 2012]

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to defreeze the petitioner's Account lying in the ICICI Prudential Capital Protection Oriented Fund Series III 36 months Plan Dividend in Folio No.5731273/13.

For Petitioner
For Respondents

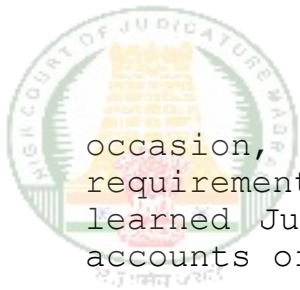
: Mr.S.Deenadhayalan
: Mr.K.Suyambulinga Bharathi,
Government Advocate(crlside)

ORDER

This petition has been filed challenging the freezing of the Bank accounts of the petitioner maintained in ICICI Prudential.

2.It is seen from records that the second respondent initially froze the accounts of the petitioner and the same was challenged by the petitioner before the learned Judicial Magistrate No.II, Virudhunagar in Cr1MP NO.4709 of 2014. The learned Judicial Magistrate by an order dated 30.09.2014 held that the action taken by the respondent Police to be illegal on the ground that the mandatory provision under Section 102 of CrPC was not followed. Consequently, the Court below defrozeed the accounts and also gave liberty to the respondent Police to follow the mandatory provisions and freeze the accounts in future, if need arises.

3.The second respondent thereafter again resorted to freezing of accounts of the petitioner on 09.10.2014. However, during this



occasion, the second respondent complied with the mandatory requirement under Section 102 of CrPC and gave intimation to the learned Judicial Magistrate-II, Virudhunagar about freezing of the accounts of the petitioner on the very same day, ie., 09.10.2014.

4.This Court does not find any illegality in the action of the respondent Police in freezing of the accounts of the petitioner since, the second respondent has followed the mandatory procedure under Section 102 of CrPC and the same is evident from the intimation letter that has been filed before this Court.

5.There are no merits in this case and this criminal original petition is dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS III)

dsk
To

1.The Judicial Magistrate NO.II, Virudhunagar.

2.The Superintendent of Police,
Theni District,
Theni.

3.The Inspector of Police,
CBCID,
Theni District,
Theni.

4.The Inspector of Police,
District Crime Branch,
Virudhunagar.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1cc to MR. S. DEENADHAYALAN, ADVOCATE SR 85231

DS SKN SAR 3
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18.09.2018