



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.9253 of 2018

S.Tamizhselvi

...Petitioner

Vs.

1.The Superintendent of Police,
Sivakasi, Virudhunagar District.

2.The Inspector of Police,
Thiruthangal Police Station, Sivakasi,
Virudhunagar District.
(Crime No.106 of 2018)

3.The Manager,
Axis Bank Limited,
Guduvanchery GDV TN Branch,
No.125 and 126-A, GST Road,
Guduvanchery, Kancheepuram-603 202.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to defreeze the Current Account of the petitioner bearing No.917020085714174, Axis Bank, Guduvanchery GDV TN Branch, Kancheepuram, in accordance with law.

For Petitioner	:Mr.L.Prabhu
For R1 & R2	:Mr.K.Suyambulinga Bharathi Government Advocate (Cr1.Side)
For R3	: No Appearance

O R D E R

This Criminal Original Petition has been filed for a direction to the respondents to defreeze the account of the petitioner bearing No.917020085714174, Axis Bank, Guduvanchery GDV TN Branch, Kancheepuram.

2. The learned counsel appearing for the petitioner would submit that a First Information Report has been registered against her husband in Crime No.106 of 2018, under Section 420 I.P.C. The learned counsel appearing for the petitioner would further submit that she is living separately from her husband and she has a small baby to take care off. The further submission of the learned counsel appearing for the petitioner is that the petitioner has an independent account at Axis Bank and the respondents 1 and 2 / Police have illegally frozen the individual account of the petitioner.



3. The learned Government Advocate (Crl side) appearing for the respondents 1 and 2 would submit that the husband of the petitioner has been charged for job racketing and the investigation is still pending. The learned Government Advocate (Crl. side) would further submit that the amount lying in the account of the petitioner is also an ill gotten money of the petitioner's husband and the petitioner's husband has admitted this fact during confession. The learned Government Advocate (Crl. side) would further submit that the account of the petitioner was frozen on 07.02.2018 and the report was sent to the learned Judicial Magistrate only on 16.08.2018.

4. This Criminal Original Petition has to be allowed on the short ground that the second respondent has totally violated the mandatory requirements under Section 102 Cr.P.C. Section 102 Cr.P.C mandates, the Police to report about the freezing of the Bank Account immediately to the learned Jurisdictional Magistrate failing which the very process of freezing the account will become illegal. In the instant case, admittedly, the freezing of the account was made on 07.02.2018 and the report was filed before the learned Jurisdictional Magistrate only on 16.08.2018 and the same is in total violation of the mandatory requirements under Section 102 Cr.P.C.

5. The Criminal Original Petition shall stand allowed and the proceedings of the second respondent freezing the Bank Account of the petitioner shall stand quashed. It is left open to the second respondent to proceed strictly in accordance with law, if so advised, in future.

Sd/-
Assistant Registrar(CO)

/True Copy/

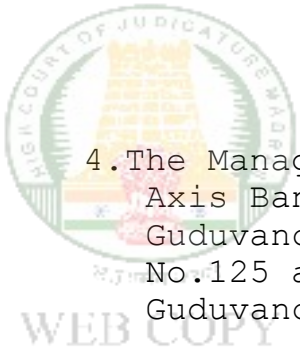
Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
Sivakasi, Virudhunagar District.

2.The Inspector of Police,
Thiruthangal Police Station, Sivakasi,
Virudhunagar District.

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



4.The Manager,
Axis Bank Limited,
Guduvanchery GDV TN Branch,
No.125 and 126-A, GST Road,
Guduvanchery, Kancheepuram-603 202.

+1cc to M/S.L.Prabhu, Advocate SR.No. 15739

Cr1.O.P. (MD) .No.9253 of 2018
20.08.2018

tsg
JM/SKN RSK/SAR 1/21.08.2018/3P/6C