



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.14402 of 2018

WEB COPY

S.V.R.Manohar

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Woraiyur Police Station
Trichy City

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to defreeze the Savings Bank Accounts of the petitioner vide Nos.(1)200006758985 maintained with IndusInd Bank, Contontment Branch, Trichy (2)620405011840 maintained with ICICI Bank, Contontment Branch, Trichy and (3) 91601006024742 maintained with Axis Bank, Contontment Branch, Trichy in Crime No.897 of 2017 on the file of the respondent.

For Petitioner : Mr.C.Muthusaravanan
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

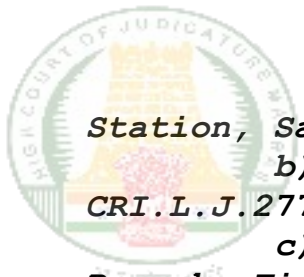
ORDER

This Criminal Original Petition has been filed for a direction to the respondent to defreeze the Savings Bank Accounts of the petitioner maintained in three banks.

2. The learned counsel for the petitioner submits that First Information Report has been registered by the respondent police against the petitioner for an offence under Section 420,382, 397,506(ii) of IPC and Section 5 and 7(3) of Lotteries Regulation Act, 1988. Pursuant to the registration of the First Information Report, the accounts in three bank account namely IndusInd Bank, Contontment Branch, Trichy (2) ICICI Bank, Contontment Branch, Trichy and (3) Axis Bank, Contontment Branch, Trichy were freezed by the respondent police on 23.06.2017. Pursuant to the same, the petitioner is not able to operate the above said bank accounts. He would further submit that the respondent police has not followed the procedure as contemplated under section 102 of Cr.P.C and therefore freezing of bank accounts that was done by the respondent police is illegal.

3. The learned counsel for the petitioner brought to the notice of this Court the following judgment to substantiate his arguments.

a) R.Chandrasekar Vs. Inspector of Police, Fair Land Police



Station, Salem and another reported in 2002(5)CTC 598

b) B.Ranganathan Vs. State and others reported in 2003 CRI.L.J.2779

c) Padmini Vs The Inspector of Police, District Crime Branch, Tirunelveli, reported in 2008(3)CTC 657

d) A.K.Ashokan Vs State Rep. by the Sub Inspector of Police, reported in LAWS(MAD) 2013 9 104 and

e) T.Subbulakshmi Vs The Commissioner of Police, Egmore, Chennai and others reported in 2016(2)MWN (Cr.)411

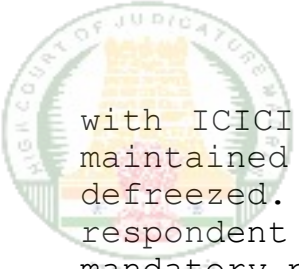
4. The learned Government Advocate (Crl.Side) would submit that the petitioner is involving himself in banned lottery tickets and he is selling lottery tickets by employing individuals and petty shop owners, as agent on commission basis. This lottery ticket is being bought by poor people spending their entire income and they are losing their money and get addicted to the lottery menace. He would further submit that the earning of the petitioner were made through banned lottery tickets. He would also submit that the petitioner was detained under Act.14, 1982 by the order of detention dated 04.07.2017 and later he was released pursuant to the orders of this Court passed in H.C.P.No.1230 of 2017 dated 21.09.2017

5. This Court has carefully considered the submissions made on either side.

6. The issue to be decided by this court in this petition is whether freezing of accounts done by the respondent police is in accordance with Section 102 of Cr.P.C. It is admitted case that in spite of freezing all bank accounts done by the respondent police on 23.06.2017, till date no report has been filed before the Judicial Magistrate having jurisdiction. It is in total violation of the mandatory requirements under Section 102 of Cr.P.C. The judgments that have been cited by the learned counsel for the petitioner has consistently held that after freezing of bank accounts if no report is immediately submitted before the concerned Judicial Magistrate having jurisdiction, it is in violation of the mandatory procedure contemplated under section 102 of Cr.P.C and such freezing of accounts becomes illegal.

7. It is an admitted case that till date the respondent police have not filed final report before the concerned Judicial Magistrate for freezing of accounts that was done by the respondent on 23.06.2017 and therefore the entire process becomes illegal. Following the judgments cited supra, this Court comes to the conclusion that the proceedings initiated by the respondent to freeze the accounts of the petitioner is liable to be quashed and accordingly the same is hereby quashed.

8. In view of the quashing of the proceedings, the Savings Bank Accounts of the petitioner vide Nos.(1)200006758985 maintained with IndusInd Bank, Contontment Branch, Trichy (2)620405011840 maintained



with ICICI Bank, Contontment Branch, Trichy and (3) 91601006024742 maintained with Axis Bank, Contontment Branch, Trichy shall stand defreezed. However, it is made clear that if there is any need, the respondent can initiate fresh proceedings after following the mandatory provisions as indicated above.

9. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police
Woraiyur Police Station
Trichy City
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.Muthusaravanan, Advocate SR.No.79064
Aav
MK/RSK/SAR 1/29.08.2018/3P/4C

Crl.O.P. (MD) No.14402 of 2018
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