

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 04.04.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1. OP (MD)No.20239 of 2013****WEB COPY**

Umasekar @ Sekar

... Petitioner

Vs.

1. The Inspector of Police,
District Crime Branch,
Sivagangai.
2. Ganesa Pandian
3. The Branch Manager,
State Bank of India,
Subramaniapuram 1st Street,
Karaikudi Post,
Sivagangai District.

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to set aside the proceedings of the first respondent in freezing of the savings bank account No.10968394692 of the petitioner maintained with the third respondent.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondent No.1	: Mr.Prabu Ramachandran, Government Advocate(crl. Side)
For Respondent No.2	: Mr.P.Thilakkumar
For Respondent No.3	: Mr.S.Sethuraman

ORDER

The petitioner before this Court is an accused in Crime No.07 of 2013 on the file of the first respondent under Sections 420, 406 of IPC and 506(i) IPC. The case has been registered at the instance of the second respondent herein. The petitioner was arrested and remanded to judicial custody and later enlarged on bail. The first respondent as the investigation officer thereafter froze the petitioner's bank account. Questioning the same, this petition has been filed.

2.Heard the learned counsel on either side.

3.The only contention urged by the learned counsel for the petitioner is that the investigation officer after freezing the bank account of the petitioner was obliged to inform the jurisdictional magistrate. If such intimation was not given by the investigation officer, the entire proceedings are liable to be set aside as illegal. In this regard, he placed reliance on the decision of this Court reported in **(2013) 4 MLJ (Cr1) T.Subbulakshmi v.**



Commissioner of Police).

4.The investigation officer is present before this Court. This Court posed a specific question to the learned Government Advocate (Crl.Side) to find out as to whether such a intimation was given in this case. The prosecution is unable to affirmatively state that such an intimation was given. In any event, there is no material on record to show that such an intimation was given. Therefore, in view of the absence of intimation to the concerned magistrate, this Court will have to necessarily set aside the freezing of the petitioner's bank account.

5.This Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

1. The Inspector of Police,
District Crime Branch,
Sivagangai.

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

+1cc to Mr.S.Sethuraman, Advocate in SR. No.60084

+1cc to Mr.P.Ganapathi Subramanian, Advocate in SR. No.59953

SKM

MK/SB/SAR 2/05.07.2018/2P/5C

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