IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.22723 of 2019

Maruthu Prabu ...Petitioner

Vs

1.The Inspector of Police,
Cyber Crime Cell, CCB
Vepery,
Chennai 7.

2.The Zonal Officer,
Punjab National Bank,
Tolly Gunge branch,
18A, Brabourne Road,
P.N.B. House, Ground floor,
Kolkatta 700 001.

3.The Sub Inspector of Police,
S11, Tambaram Police Station (Crime)
Tambaram 45. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to seize the amount of Rs.2,00,000/- from the second respondent bank in A/c.No.0084000107866257 and to revert back the amount to the petitioner's account in HDFC bank A/c.No.01231070001185.

For Petitioner : Mr.N.Suresh

For Respondents: Ms.Saratha Devi.V
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed to direct the first respondent to seize the amount of Rs.2,00,000/- from the second respondent bank in A/c.No.0084000107866257 and to revert back the amount to the petitioner's account in HDFC bank A/c.No.01231070001185.

2. The petitioner claims to have been cheated by some unknown persons, through online and paid a sum of Rs.4,15,600/-, it was transferred to Indian Overseas Bank in A/c No.04400200000524, which was subsequently transferred to Punjab National Bank in A/c No. 0084000107866257. Out of the aforesaid amount, the respondent police had re-transferred a sum of Rs.1,80,993.98/- based on the petitioner's complaint and the balance amount of Rs.2,00,000/-, which was lying in Punjab National Bank in A/c No. 0084000107866257, has been frozen by the respondent Police. The petitioner herein seeks for release of this amount of Rs.2,00,000/-.

3. Today when the matter was called, the learned Government Advocate (Crl.side) for the respondent Police, on instructions, would submit that they have conducted due enquiry and it was revealed that the petitioner herein had indeed deposited a sum of Rs.1,80,993.98/-, which has already been transferred to HDFC Bank account and further that a sum of Rs.2,00,000/- is still lying in deposit in Punjab National Bank in A/c No. 0084000107866257. From the out come of the preliminary enquiry held, it is stated that the petitioner herein is entitled for this amount of Rs.2,00,000/- also.

4. Recording the submission made by the learned Government Advocate (Crl.side), this Court is of the view that the amount of Rs.2,00,000/- now lying in the frozen account in the Punjab National Bank can be released to the petitioner herein.

5. Accordingly, there shall be a direction to the second respondent to release the sum of Rs.2,00,000/- lying in the account No.0084000107866257 and transfer the sum to the petitioner's account in HDFC Bank in account No.01231070001185, after obtaining necessary affidavit of indemnity from the petitioner herein. Such a process of releasing the amount of Rs.2,00,000/- shall be made atleast within a period of two days from the date of receipt of copy of this Order.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Inspector of Police,
Cyber Crime Cell, CCB
Vepery,
Chennai 7.

2.The Zonal Officer,
Punjab National Bank,
Tolly Gunge branch,
18A, Brabourne Road,
P.N.B. House, Ground floor,
Kolkatta 700 001.

3.The Sub Inspector of Police,
S11, Tambaram Police Station (Crime)
Tambaram 45.

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.Suresh, Advocate, S.R.No. 89481

Crl.O.P.No.22723 of 2019

PVS(CO)
GN(02/12/2019)