

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.30199 of 2019

R.Lakshmi

... Petitioner

Versus

1. State rep. By,
The Inspector of Police,
Chennai City-1, Detachment V & AC,
Chennai - 600 016.
(Crime No.1/AC/2019/CC-1).
2. K.Murthy,
District Inspector Cell Officer,
Kancheepuram and Thiruvallur District,
Office of the Collectorate Office,
Kancheepuram and District.
3. The Branch Manager,
State Bank of India,
Kancheepuram Branch,
29 & 30, Annai Indira Gandhi Salai,
Kancheepuram.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to withdraw and rescind the letter dated 12.07.2019 given to the 3rd respondent, The Branch Manager, State Bank of India, Kancheepuram Branch in respect of the petitioner's Saving Bank Account No.10943923137 enabling the petitioner to operate the said account.

For Petitioner : M/s.B.Kumarasamy
For Respondents: M/s.M.Prabavathy,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to withdraw and rescind the letter dated 12.07.2019 given to the 3rd respondent, The Branch Manager, State Bank of India, Kancheepuram Branch in respect of the

petitioner's Saving Bank Account No.10943923137 enabling the petitioner to operate the said account.

2.The learned counsel for the petitioner submitted that the 1st respondent registered a case in Crime No.1/AC/2019/CC-1 against the petitioner's husband and nine others for the offence under Sections 102 of Cr.P.C r/w Section 7 & 7A of the Prevention of Corruption (Amendment) Act, 2018. The petitioner's husband was working as Sub-Registrar at Sub-Registrar Office, Maduranthagam. The surprise check was conducted in the Sub-Registrar Office, Maduranthagam on 27.02.2019. During the surprise check, a sum of Rs.3,52,000/- (Rupees three lakhs fifty two thousand only) was seized and a case came to be registered by the 1st respondent, based on the complaint of the 2nd respondent. Thereafter, the 1st respondent conducted search on the petitioner's house on 09.07.2019 and collected certain documents for the purpose of investigation.

3.The learned counsel for the petitioner further submitted that the petitioner is working as Secondary Grade Assistant in A.K.T Municipal High School, Kancheepuram and she has more than 24 years service. The petitioner had applied for part final withdrawal of her Provident Fund Account of Rs.5,00,000/- for the purpose of medical treatment and other expenses. The Head Master of the said School in proceedings K.DIS.No.55/2019, dated 08.08.2019 had granted part final of provident fund of Rs.5,00,000/- to the petitioner, which has been duly credited to the petitioner's bank account No.10943923137, State Bank of India, Kancheepuram Branch on 16.08.2019.

4.Though the amount was sanctioned and credited, was not reflected in the statement of account. Therefore, the petitioner gave a representation to the 3rd respondent on 30.08.2019. On receipt of the same, the 3rd respondent informed that as per the instructions of the 1st respondent vide its letter dated 12.07.2019, the petitioner's account has been withhold. The petitioner is in need of that money and this provident fund amount is credited from her salary and it is not connected with the above case, being investigated by the 1st respondent.

5.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the 1st respondent has given general instructions for withholding all the account of the public servant as well as the family members, who are involved in Crime No.1/AC/2019/CC-1. As regards the claim of the petitioner, it is found that it is only a part final of provident fund, hence she got no objection for the same.

6.In view of the same, the 3rd respondent is directed to permit the petitioner to withdraw the amount of Rs.5,00,000/- credited in her account, which is a part final of provident fund.

7.With the above directions, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Chennai City-1, Detachment V & AC,
Chennai - 600 016.
 2. The District Inspector Cell Officer,
Kancheepuram and Thiruvallur District,
Office of the Collectorate Office,
Kancheepuram and District.
 3. The Branch Manager,
State Bank of India,
Kancheepuram Branch,
29 & 30, Annai Indira Gandhi Salai,
Kancheepuram.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.B. Kumarasamy, Advocate sr 93828.

CRL.O.P.No.30199 of 2019

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MR(CO)
SP(29/11/2019)