



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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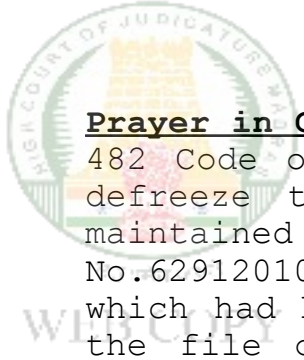
Crl.O.P(MD)Nos.10249 and 10253 of 2019

M.Varatharaj ... Petitioner in Crl.O.P.(MD)No.10249 of 2019
A.Shakila ... Petitioner in Crl.O.P.(MD)No.10253 of 2019

Vs

- 1.State represented by,
The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur, Thanjavur District.
(Crime No.02 of 2018). ... 1st Respondent in both Cr.O.Ps.
- 2.The Branch Manager,
State Bank of India,
Thanjavur,
Thanjavur District.
- 3.The Manager,
Indian Overseas Bank,
Fairlands Branch,
Salem, Salem District.
.. 2nd and 3rd Respondents in Crl.O.P.(MD)No.10249 of 2019
- 4.The Branch Manager,
Bank of Baroda,
Pal Theru,
Salem, Salem District.
- 5.The Manager,
Syndicate Bank,
Kittchipalayam Main Road,
Salem, Salem District.
.. 2nd and 3rd Respondents in Crl.O.P.(MD)No.10253 of 2019

Prayer in Crl.O.P.(MD)No.10249 of 2019: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent to defreeze the petitioner's Bank Account bearing No.36190710378 maintained with the second respondent herein Account No.13838 (056801000013838) maintain with the second respondent, which had been freezed pursuant to the case in Cr.No.02 of 2018 on the file of the first respondent herein direction issued by the first respondent in connection with Cr.No.2 of 2018 on the file of the first respondent herein.



Prayer in Crl.O.P. (MD)No.10253 of 2019: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent to defreeze the petitioner's Bank Account bearing No.06080100001463 maintained with the second respondent /Bank of Baroda herein Account No.62912010010452 maintain with the third respondent/Syndicate Bank, which had been freezed pursuant to the case in Cr.No.02 of 2018 on the file of the first respondent herein direction issued by the first respondent in connection with Cr.No.2 of 2018 on the file of the first respondent herein.

For Petitioner	: Mr.A.Thiruvadi Kumar
(in both Crl.O.Ps.)	
For R1	: Mr.M.Chandrasekaran
(in both Crl.O.Ps.)	Additional Public Prosecutor

COMMON ORDER

The petitioner in Crl.O.P.(MD)No.10249 of 2019 is one Varatharaj. While his wife is the petitioner in Crl.O.P.(MD) No.10253 of 2019. Their bank account have been frozen by the orders of the first respondent. In order to de-freeze the same, the petitioners have filed these two criminal original petitions.

2.While Mr.M.Varatharaj is an accused in Crime No.2 of 2018 on the file of the first respondent, his wife is not facing any accusation. Be that as it may, these criminal original petitions will have to be allowed on a short ground. The orders freezing the bank accounts were made on 12.10.2018. But then, it was not communicated to the Special Court within a stipulated period. Therefore, the impugned action becomes vitiated in view of the decisions reported in (2013) 4 MLJ (Crl) 152 and (2014) 1 MLJ (Crl) 262.

3.That apart, there is yet another illegality. The prosecution has failed to intimate the account holder also. Failure to intimate the account holder vitiates the action vide order dated 15.09.2016 in Crl.O.P.No.19618 of 2016 and Crl.M.P.No.9199 of 2016. That apart, as rightly pointed out by the learned counsel appearing for the petitioners, the case on hand pertains to acceptance of illegal gratification. It is not a case pertaining to disproportionate assets. Therefore, freezing the petitioner's account by the first respondent is not really warranted.

4.Therefore, for all these three reasons, I am of the view that the petitioners are entitled to the relief sought for. This criminal original petitions stand allowed.

Sd/-
Assistant Registrar

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To

The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur, Thanjavur District.

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+2 CC to M/s.A.THIRUVADI KUMAR, Advocate SR-78809 & 78810

Cr1.O.P(MD)Nos.10249 and 10253 of 2019

rmi

JM/02.08.2019/3P-4C