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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3232 of 2020

M/s.Kalangarai Vilakkam
(A Pengal Munnetra Pothu Nala Sangam)
A Society registered under the Societies Act
with regn No.235/2007 and with its
Registered Office at 3, 6th Street,
Ulaganathapuram, Ennore,
Chennai 600 057 and duly represented by its
President Sivakami.

....Petitioner

Vs.

- 1.State of Tamil Nadu rep.by
The Assistant Commissioner of Police
Central Crime Branch, Bank Fraud Team
Chennai Sub Urban Police, Chennai 16.
Now,
Assistant Commissioner of Police
EDF III, Central Crime Branch
Vepery, Chennai 600 007.
- 2.The Inspector of Police
EDF-III, Central Crime Branch
Vepery, Chennai 600 007.
Cr.No.119/2009.
- 3.The Branch Manager
Union Bank of India
Ennore Kathivakkam Branch
Kathiwakkam High Road
Ennore, Chennai 600 057.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order to reopen the order issued by the first respondent herein to attach the Bank Account of the petitioner herein, held with the third respondent herein, in SB A/c.No.332802010568894 and consequentially direct the third respondent to defreeze the SB A/c.No.332802010568894 in pursuance to the acquittal in C.C.No.26/2012 on the file of the Judicial Magistrate No.I, Poonamallee.



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For Petitioner : Mr.A.Thirumaran

For Respondents: Mr.M.Mohamed Riyaz for R1&R2
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent herein to reopen the order issued by him to attach the Bank Account of the petitioner herein, held with the third respondent herein, in SB A/c.No.332802010568894 and consequentially direct the third respondent to defreeze the SB A/c.No.332802010568894 in pursuance to the acquittal in C.C.No.26/2012 on the file of the Judicial Magistrate No.I, Poonamallee.

2. The learned counsel for the petitioner has submitted that based on the charge sheet filed by the second respondent, a case was taken on file against the petitioner herein and 7 others in C.C.No.26 of 2012 on the file of the Judicial Magistrate No.I, Poonamallee. He further submitted that the said case was filed stating that the petitioner herein and 7 others have committed offences punishable under Sections 420 and 120(B) IPC. He further submitted that after trial, the learned Judicial Magistrate No.I, Poonamallee by the order dated 10.09.2019 has acquitted all the accused persons including the petitioner herein. He further submitted that during the course of investigation, as per the order passed by the first respondent, the third respondent has frozen the bank account of the petitioner's Sangam. He further submitted that since the said case has ended in acquittal, he requested to direct the first respondent to reopen the order passed by him to freeze the petitioner's bank account and send an intimation to the third respondent to defreeze the petitioner's account.

3. Per contra, the learned Additional Public Prosecutor, who is appearing for the respondents 1 and 2 has submitted that the second respondent has sent a communication to the third respondent on 21.02.2020 to defreeze the petitioner's bank account and the same was received by the third respondent on the same day and therefore, he prayed to dismiss the petition.

4. He also produced a copy of the intimation sent by the second respondent to the third respondent.

5. A perusal of the copy of the intimation dated 21.02.2020 shows that the second respondent has sent a letter to the third respondent requesting to defreeze the petitioner's account and the same was received by the third respondent on 21.02.2020 itself.



6. Recording the aforesaid facts, this Criminal Original Petition is closed.

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Sd/-
Assistant Registrar(CS III-MDU)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Commissioner of Police
Central Crime Branch, Bank Fraud Team
Chennai Sub Urban Police, Chennai 16.
Now,
Assistant Commissioner of Police
EDF III, Central Crime Branch
Vepery, Chennai 600 007.

2.The Inspector of Police
EDF-III, Central Crime Branch
Vepery, Chennai 600 007.
Cr.No.119/2009.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Thirumaran, Advocate Sr.16089

CRL.O.P.No.3232 of 2020

bp[co]
srg 01/07/2020