

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13414 of 2020

M.Jeyakumar
S/o Mani
No.37/10, Bharathi Street
Saligramam
Chennai - 600 093.

... Petitioner

Vs.

1.State of Tamilnadu
Rep by the Inspector of Police
K-4 Anna Nagar Police Station
Chennai.

2.The Karur Vysys Bank Limited
Rep by Operating Manager
Periyakulam
1st Floor, 3 Vasantha Vihar Bldg
Cumbam Road
Theni District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd respondent to defreeze the account of petitioner in Karur Vysya Bank with Account No.1176155000060180.

For Petitioner : Mr.M.Jaisingh

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed for a direction to the respondent to defreeze the account of the petitioner in Karur Vysya Bank with Account No.1176155000060180.

2.The case of the prosecution is that on 02.01.2020, the petitioner received a call from his co-brother Ravichandran and informed that he has been abducted and requested for a sum of Rs.70,00,000/- and a blank cheque. When enquired Ravichandran,

he informed that while going for walk in Bogan Park, was abducted by Jeyakumar, Jothikumar and others.

3.The learned counsel for the petitioner submitted that the said victim is having financial transaction with the petitioners and others and on account of that there is some misunderstanding. A sum of Rs.10,00,000/- was deposited by the victim in the petitioner account on 02.01.2020. On the very same day a compliant was lodged. He further submitted that the victim has been abducted, and he could not have transferred money to the petitioner account.

4.The learned counsel for the petitioner submitted that the petitioner was falsely implicated in Crime No.1 of 2020 on the file of the first respondent for the offences under Section 341, 294(b), 364(a) and 506(ii) of IPC. He further submitted that the first respondent failed to comply with the procedure contemplated under Section 102 (iii) of Cr.P.C, the relevant paragraph is extracted hereunder

"Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be, conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same"

5.It is seen from the records, the first respondent did not intimate about the freezing of account to the concerned jurisdictional Magistrate as contemplated under Section 102 (iii) of Cr.P.C.

6.Considering the above facts and circumstances of this case, this petition is allowed and the 2nd respondent is directed to defreeze the account of the petitioner in Karur Vysya Bank with Account No.1176155000060180 and also liberty is granted to the first respondent to proceed the investigation in accordance with law.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jer

To

1.The Inspector of Police
K-4 Anna Nagar Police Station
Chennai.

2.The Public Prosecutor
High Court of Madras.

3.The Karur Vysys Bank Limited
Rep by Operating Manager
Periyakulam
1st Floor, 3 Vasantha Vihar Bldg
Cumbam Road,Theni District.

+1 cc to M/s.M.Jaisingh , Advocate Sr.No. 28716

LN(CO)
RMP(14/10/2020)

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