



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
AND
THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.15889 of 2020
and
W.M.P (MD) No.13299 of 2020

V.S.Vanitha : Petitioner

Vs.

- 1.The Inspector,
Central Bureau of Investigation /ACB,
No.36, Bellary Road,Ganganagar,Bangalore -32.
- 2.The Sub-Registrar,
No.1, Sub Registrar's Office,Palani, Dindigul District.
- 3.The Authorised Officer/
The Branch Manager,City Union Bank,Palani, Dindigul District.
- 4.Siva Subramanian : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari, calling for the records relating to impugned letter of seizure, dated 19.02.2016, passed by 1st respondent in RC03/(A)/2015/CBI/ACB/BLR/107 and quash the same as absurd.

For Petitioner	:	Mr.V.Vinayagamorthy
For Respondent	:	Mrs.Victoria Gowri,
No.1		Assistant Solicitor General of India
For Respondent	:	Mr.K.Sathiya Singh
No.2		Special Government Pleader
For Respondent	:	Mr.V.Pandivel
No.3		

ORDER

This Writ Petition has been filed against the seizure of certain properties of the petitioner by the 1st respondent Central Bureau of Investigation/ACB, Bangalore in RC 03(A)/2015-CBI, ACB, Bangalore, dated 19.02.2016, in and by which, the 1st respondent seized certain properties including the petitioner's lodge situated at Palani.



2. Heard the respective learned Counsel appearing for the parties on either side.

3. According to the petitioner the property seized by the 1st respondent CBI is her self acquired property and the lodge has been constructed by availing loan from City Union Bank, Palani Branch.

4. A perusal of the records reveals that the 1st respondent CBI has registered a case that one Chandrasekar, Branch Manager of Vijaya Bank, Begur Branch, Chamrajnagar District, entered into a criminal conspiracy with other accused, transferred the funds of the Bank to various accounts and thereby caused a wrongful loss to the tune of Rs.22.5 Crores to the Vijaya Bank. The 4th respondent is arrayed as accused No.8 in the said case. The said transfer of funds were made from the Banks through various persons including the 4th respondent, between the year 2014 and 2015. The 4th respondent is none other than the husband of the petitioner. Through this fraudulent money, the property in dispute was acquired in the name of the petitioner, which came to light during the investigation and therefore, the investigation agency seized the property of the petitioner along with other properties under Section 102 of CrPC.

5. The investigation agency has filed a report in the said case and the 4th respondent is also arrayed as accused No.8. Section 102 CrPC., empowers the Police Officer to seize any property. For better appreciation Section 102 (1) CrPC is extracted hereunder:-

"102. Power of police officer to seize certain property:

(1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the Commission of any offence."

6. Considering the nature of the offence and the seriousness involved in this case, this Court is not inclined to interfere with the order of seizure of the investigation agency.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Inspector,
Central Bureau of Investigation /ACB,
No.36, Bellary Road,
Ganganagar, Bangalore -32.

2.The Sub-Registrar,
No.1, Sub Registrar's Office,
Palani, Dindigul District.

+1 CC to Additional Government Pleader SR.No.27232.

W.P (MD) No.15889 of 2020
23.12.2020

(KG) CO

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