

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.2909 of 2021

Rajeswari

.. Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
Thittakudi Police Station,
Thittakudi, Cuddalore.
(Crime No.83 of 2018)

2. The Manager,
Indian Overseas Bank,
Thittakudi Branch,
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to defreeze the saving bank account vide Account No.248201000012199 of the petitioner maintained with Indian Overseas Bank, Thittakudi Branch, Cuddalore which has been freezed on 24.02.2020 in Crime No.83/2018.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1

O R D E R

This petition has been filed for a direction to the 2nd respondent to defreeze the savings bank account of the petitioner maintained with the Indian Overseas Bank.

2.The grievance of the petitioner is that the 1st respondent in the course of investigation in Crime No.83 of 2018 has proceeded to freeze the bank account of the petitioner maintained in the 2nd respondent Bank on 24.02.2020.

3.The learned Additional Public Prosecutor on instructions submitted that the freezing of the bank account was not intimated to the concerned jurisdictional Court.

4.In view of the specific stand taken by the 1st respondent, the freezing of the bank account of the petitioner becomes illegal by the virtue of not complying with the mandatory requirements under Section 102 Cr.P.C.

5.Accordingly, freezing of the bank account maintained before the 2nd respondent Bank is hereby lifted. If the respondent police finds that the freezing of the bank account is necessary in the course of investigation, the 2nd respondent has to comply with the mandatory requirements of Section 102 Cr.P.C. and proceed further in accordance with law.

6.This criminal original petition is accordingly allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Thittakudi Police Station,
Thittakudi, Cuddalore.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Kannan, Advocate, S.R.No.12517.

SMI (CO)
CSR 23.03.2021

Cr1.O.P.No.2909 of 2021

WEB COPY