

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.20823 of 2018

M.Ramamurthy

.. Petitioner

Vs.

1. State Represented by
The Inspector of Police,
Central Crime Branch,
Team-I, Vepery,
Chennai.

2. M.Abdul Salam

....Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to defreeze the bank accounts maintained by the petitioner with the respective or any other order or orders as this Court may deem fit and proper under the circumstances of the above case.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.C.Raghavan
Government Advocate

O R D E R

This petition has been filed for a direction to the 1st respondent to de-freeze the bank accounts maintained by the petitioner before the Axis Bank, IDBI Bank and Federal Bank.

2.The case of the petitioner is that an FIR came to be registered in Crime No.67 of 2018 based on the complaint given by the 2nd respondent. It is seen from records that the petitioner and the 2nd respondent had some business transactions and according to the 2nd respondent, the petitioner has cheated him.

3.The learned Government Advocate appearing on behalf of the 1st respondent submitted that the bank accounts were freezed on 04.04.2018 and the same was intimated to the Special Court for the CCB, CBCID, Egmore on 04.09.2018. The learned Government

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Advocate further submitted that the investigation is almost at the stage of completion.

4. In the considered view of this Court, freezing of the bank accounts of the petitioner is vitiated since, the mandatory procedure under Section 102 of Cr.P.C. has not been complied with and the concerned Court was not intimated immediately after the account was frozen. Useful reference can be made to the judgment of this Court in the case of Uma Maheswari and Another vs. State rep. by the Inspector of Police, CCB, Egmore, Chennai and Another reported in 2014 1 MLJ Cr1 262. The first respondent is directed to defreeze the accounts of the petitioner by giving intimation to the concerned Banks. If the 1st respondent wants to freeze the accounts, the mandatory procedure under Section 102 of Cr.P.C. shall be followed.

5. This criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Central Crime Branch,
Team-I, Vepery,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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