

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.1941 & 2038 of 2018

Jayati Prasad

.. Petitioner
in both OPs

vs.

The State rep. by
Station House Officer,
Reddiarpalayam Police Station,
Puducherry.
(Crime Nos.70/2017)

.. Respondents in
in both OPs

PRAYER in 1941 of 2018: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to de-freeze the petitioner's Savings Account bearing No.1171104000021474 of IDBI Bank, Rajarhat Gopalpur Branch, Kolkata.

PRAYER in 2038 of 2018: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to hand over the possession of the petitioner's flat bearing No.D1, situated at second floor, Aishwariam Apartments, Raghavendra Nagar, Puducherry locked by the respondent police in the course of investigation.

For Petitioner : Mr.R.Sreedhar
(in both Ops)

For Respondent : Mr.V.Balamurugan, APP (Puducherry)

COMMON ORDER

Both these petitions have been filed for de-freezing of the savings Bank Account of the petitioner maintained at IDBI Bank and for handing over the possession of the flat respectively.

2. It is brought to the notice of this Court that the petitioner is facing trial before the court below in S.C.No.53 of 2017. The petitioner has been arrayed as A2. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that already 46 witnesses have been examined and the proceedings itself will be completed in a very short time. At this length of time, no useful purpose

will be served by passing orders in these petitions.

3. Per contra, the learned counsel appearing on behalf of the petitioner submitted that the petitioner's bank account was frozen without following the mandatory requirements under Section 102 of Cr.P.C. The learned counsel further submitted that the flat in question is owned by the petitioner and the respondent police did not have any authority to lock the flat and deprive the petitioner her right of possession and enjoyment of the flat.

4. The learned counsel appearing on behalf of the defacto complainant submitted that the defacto complainant's son was brutally murdered in this case and the petitioner had managed to take away all the properties and the learned counsel further submitted that some time may be fixed for completion of the trial in S.C.No.53 of 2017.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is substantial progress in the trial wherein already 46 witnesses have been examined, no useful purpose will be served in passing any orders in these petitions at this stage. It will be more appropriate if a time limit is fixed by this Court for the completion of trial in S.C.No.53 of 2017. On completion of the trial, the petitioner will clearly know where she stands and the result of the trial will also have a direct bearing on the action that has been taken by the respondent police.

6. In view of the above discussion, there shall be a direction to the Principal Sessions Judge, Pudhucherry, to complete the proceedings in S.C.No.53 of 2017 within a period of two months from the date of receipt of a copy of this order. It is made clear that the trial shall go on, on a day-to-day basis without granting any unwanted adjournments strictly in accordance with the guidelines issued by the Hon'ble Supreme Court in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC].

These Criminal Original Petition are disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Puducherry.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Station House Officer,
Reddiarpalayam Police Station,
Puducherry.

Crl.O.P Nos.1941 & 2038 of 2018

MGR (CO)
CB(09/03/2021)



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