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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.18854 of 2020

M.J.B. Basanth Row

.. Petitioner

Versus

1. The General Manager
Reserve Bank of India
Banking Operation Department
Chennai - 600 001.
2. The Bank Manager
South Indian Bank
Medavakkam Branch
Chennai.
3. The State Represented by
The Inspector of Police
SPE/CBI/ACB/CHENNAI
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to defreeze petitioner's savings Account No.0687053000001050 as per representation dated 28.09.2020.

For Petitioner	:	Mr.A.John
For R1& R2	:	Mr.A.V.Radhakrishnan
For R3	:	Mr.K.Srinivasan, for CBI

ORDER

The petitioner is a holder of Savings Bank Account with the 2nd respondent bank bearing Account No.0687053000001050. According to the petitioner, his wife Mrs. Raji Basanth Row, who is working as Special Assistant in State Bank of India, MRC Nagar Branch, Chennai, was falsely implicated by the Central Bureau of Investigation in the case in RC MA1 2018 A 0004-CBI/ACB/Chennai for alleged misappropriation of bank fund. During the course of investigation, the Central Bureau of Investigation/third respondent had sent a letter to the second respondent's bank, based on suspicion that his wife would have deposited the crime



amount into his account and directed the second respondent bank to freeze the petitioner's savings bank account. Accordingly, the petitioner's bank account was frozen.

2. The learned counsel for the petitioner submit that the petitioner has nothing to do with the alleged offence said to have been committed by his wife. By reason of freezing of his account, he could not withdraw the legitimate amount deposited by him in his savings account. The petitioner has therefore sent a representation on 28.09.2020 to the second respondent and another representation dated 14.10.2020 to the first respondent, to de-freeze his savings bank account. As the respondents did not consider his representation, the petitioner has come forward with this writ petition.

3. By relying on the counter affidavit filed by the second respondent, the learned counsel appearing for the second respondent submitted that it is only on the intimation received from the third respondent, the account of the petitioner has been frozen by the second respondent. As and when any intimation is received by the second respondent, from the third respondent, the bank account of the petitioner will be defrozeed.

4. The learned counsel for the third respondent has fairly submitted that the third respondent has no objection to de-freeze the bank account of the petitioner. He has also placed reliance on the counter affidavit of the third respondent in which in paragraph Nos.4, 5, 19, 20 and 22 it has been stated as follows:

4.It is submitted that the Case in RC MA1 2018 A 0004 was re-registered by CBI, ACB, Chennai, on the orders of the Hon'ble High Court of Judicature at Madras in Crl.O.P.No.23385/17 on 05.03.2018 U/s 120B r/w 409, 465, 468, 471 and 420, IPC & 13(2) r/w 13(1) (d) of PC Act 1988 against the accused-1 Smt.Raji Basanth Row (A-1), Special Assistant, State Bank of India, MRC Nagar Branch, Chennai, Unknown Public Servants and Unknown Private Persons on the allegation of commision of irregularities in the matter of misappropriation of various customer's Fixed deposits, fradulent cash withdrawals from the customer's accounts, not crediting the cash of the customers remitted in her counter and misappropriation of branch cash with an intent to cause wrongful loss to State Bank of India, Govt. of India to the tune of Rs.3 Crores and corresponding wrongful gain to herself and thereby she cheated State Bank of India, Govt. of India by



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abuse of her official position.

5.It is submitted that upon completion of investigation, the charge sheet was filed before this Hon'ble Court against Smt Raji Basanth Row (A-1) W/o Shri J.B.Basanth Row under Sections 409, 465, 468, 471, 420 IPC & Sec. 13(2) r/w 13(1) (d) of PC Act, 1988 and substantive offences thereof.

19.It is submitted that during the course of investigation, this respondent has issued a letter to the Bank Manager, South Indian Bank, Medavakkam Branch to freeze the account of the petitioner Shri.J.B.Basanth Row who maintains an account with the bank vide A/c.No.0687 0530 0000 1050 as there were likely chances of the accused-1 Smt.Raji Basanth Row W/o the petitioner Shri J.B.Basanth Row might have transferred the misappropriated funds into the above said bank account of the petitioner Shri.J.B.Basanth Row.

20.It is submitted that no incriminating evidence is found in the transactions of the petitioner Shri.J.B.Basanth Row in the account maintained at South Indian Bank, Medavakkam Branch vide A/c.No.0687 0530 0000 1050. The present balance amount in the said account of the petitioner Shri.J.B.Basanth Row as on dated is Rs.60,467.96/-. Also, the petitioner Shri J.B.Basanth Row has two Fixed Deposits vide A/c.Nos.0687 1010 0000 1261 and 0687 1010 0000 1260 which, as on date have an outstanding balance of Rs.63,629/- each respectively.

22.It is submitted that CBI has no objection in de-freezing the Savings Account of the petitioner Shri.J.B.Basanth Row vide A/c.No.0687 0530 0000 1050 and also the two Fixed Deposit accounts vide A/c.Nos.0687 1010 0000 1261 and 0687 1010 0000 1260 maintained at The South Indian Bank, Medavakkam Branch, Chennai.

5. Heard the counsel for both sides. It is apparent from the counter affidavit filed by the 3rd respondent, particularly in paragraph No. 22, that the Central Bureau of Investigation have no objection to defreeze the savings account of the petitioner and also the fixed deposit account maintained by him.

6. In the light of the above fair submission made by the 3rd respondent in the counter affidavit, the 2nd respondent is directed to defreeze the savings bank account of the petitioner



forthwith. This Writ Petition stands disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The General Manager,
Reserve Bank of India,
Banking Operation Department,
Chennai - 600 001.
2. The Bank Manager,
South Indian Bank,
Medavakkam Branch,
Chennai.
3. The State Represented by
The Inspector of Police,
SPE/CBI/ACB/CHENNAI
Chennai.

+1cc to Mr.A.V.Radhakrishnan, Advocate, S.R.No.38606
+2ccs to Mr.L.Infant Dinesh, Advocate, S.R.No.38875

W.P.No.18854 of 2020

AD(CO)
HS(02/09/2021)