



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) .No.9029 of 2021

M.N.Vedhachalam

... Petitioner

Vs.

1. The Superintendent of Police,
O/o.CBCID,
K.Pudur,
Madurai District-625 007.

2.The Deputy Superintendent of Police,
O/o.PWD Office,
CBCID Buildings,
Chinna Chokkikulam,
Madurai District-625 002.

3.The Inspector of Police,
CBCID, Samathuvapuram,
PTR Road,
Madurai District.

... Respondents

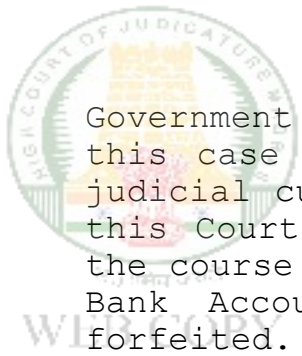
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 3 to release the petitioner's bank Account No.11422321990 maintained with the SBI, Pechampalli Branch, its ATM Card in No.459000150854103 and Savings Account No.704194166 maintained with DDCI Central Co-operative Bank, Cauvery Pattinam Branch and to return his driving license bearing No.T.N.29Z19890000254 by considering my representation dated 12.12.2020.

For Petitioner	: Mr.R.Venkatesan for M/s.Right Law Associates
For Respondents	: Mr.R.M.Anbunithi Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Nos.1 to 3 to release my bank Account No.11422321990 maintained with the SBI, Pechampalli Branch, its ATM Card in No.459000150854103 and Savings Account No.704194166 maintained with DDCI Central Co-operative Bank, Cauvery Pattinam Branch and to return his driving license bearing No.T.N.29Z19890000254 by considering his representation dated 12.12.2020.

2. The case of the petitioner is that he is a retired
<https://hcservices.ecourts.gov.in/hcservices/>



Government Medical Pharmacist and he has been falsely implicated in this case in Crime No.1 of 2019. He was arrested and remanded to judicial custody. Now, he was released on bail as per the order of this Court in CrI.O.P(MD).No.5615 of 2020 dated 26.06.2020. During the course of investigation, the respondent police has impounded his Bank Accounts, ATM Card, Driving License which has also been forfeited. Because of the impounding of the Bank Accounts, he is not in a position to receive the pension amount. Therefore, he made a request dated 12.12.2020 to release his bank accounts.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. From the records, it is seen that the petitioner has impersonated one Rasheed to write NEET UG 2019 exam, instead of some other person which become sensitive issue during the relevant period. As mentioned in the petition, he was arrested and remanded to judicial custody. Later, he was released on bail. The only request made by the petitioner is that because of freezing his bank account, he is not in a position to receive the pension amount to meet out his daily expenses. He has also produced the account statements and the same is enclosed in the additional typed set of papers.

5. In the counter affidavit filed by the respondent, it has been stated that the offence alleged against the petitioner is very serious in nature. The bank account, that has been seized, was used by this petitioner for settling the amount to one Rasheed who is the co-accused. He did not cooperate for the enquiry. His son is a practising Physician. Therefore, on that ground, the first respondent seeks to dismiss this petition.

6. As mentioned earlier, the petitioner is involved in very serious offence of impersonation in the NEET exam. From the records, it is seen that only through his account, the money has been settled to the co-accused. Therefore, the request made by the petitioner for total lifting of ban on freezing of account cannot be entertained. At the same time, the petitioner is the pensioner and as per the information furnished by the petitioner, his monthly pension amount of Rs.25,000/- is credited to the petitioner's Account No.11422321990.

7. The contention on the part of the petitioner that he is depending upon his son for each and every thing, cannot be accepted. However, taking into consideration the facts and circumstances of the case, this Court is of the considered view that the petitioner can operate his bank account with regard to withdrawal of his monthly pension amount only. Further, the Bank shall also sent a monthly statement of the petitioner's account to the Investigating



8. Accordingly, the Writ Petition stands partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
O/o.CBCID,
K.Pudur,Madurai District-625 007.
- 2.The Deputy Superintendent of Police,
O/o.PWD Office,
CBCID Buildings,
Chinna Chokkikulam, Madurai District-625 002.
- 3.The Inspector of Police,
CBCID, Samathuvapuram,
PTR Road,Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

- 1.The Branch Manager, SBI,
Pechampalli Branch, Krishnagiri.
- 2.The Branch Manager,
DDCI Central Co Operative Bank,
Cauvery pattinam Branch, Krishnagiri.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-22429[F] dated 14/07/2021)

W.P. (MD) .No.9029 of 2021
12.07.2021

KMV (CO)

KB (24.08.2021) 3P 8C