IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6871 of 2022

G.Rajeshwari ... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai, Egmore, Chennai 8.

2. State represented by
The Inspector of Police,
CCB I, Team -8, Egmore, Chennai 8.

3. The Branch Manager,
ICICI Bank Ltd,
No. 2/407, Mount Poonamallee Road,
Aiyappanthangal, Chennai - 600 056 ... Respondents

PRAYER : The Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the first and second Respondents to defreeze the Account No.269901505446 standing in the name of the petitioner.

For Petitioner : Mr.K.Perumal

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed seeking to direct the first and second Respondents to defreeze the Account No.269901505446 standing in the name of the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is a house wife and her husband G.Ganesan was working as a wardboy in Vijaya Hospital. The petitioner out of her savings used to invest money in private schemes run by individuals and one of her such deposits was made to one Makesh Kumar to the tune of Rupees Twenty Three lakhs. The petitioner was maintaining a savings bank Account No.269901505446 with ICICI Bank Ltd, Aiyappanthangal Branch/R3. The said Makesh Kumar

used to make deposits of interest in the petitioner's account and he had so far deposited Rs.1,36,000/- towards interest in the petitioner's account. The petitioner's husband had died due to sudden illness on 23.01.2020 leaving behind the petitioner and a 11 years old girl child, who is studying 7^{th} standard. The petitioner had given her account, which was maintained at ICICI Bank Ltd, Aiyappanthangal Branch/R3 for claiming the death benefit of her husband from the employer. Accordingly, a sum of Rs.1,14,000/- on 16.03.2020 and another sum of Rs.2,36,000/- on 17.06.2021, totaling to a sum of Rs.3,54,000/- was deposited to that account. While so, when the petitioner attempted to withdraw this amount for her daughter's educational and family expenses, she was informed that her account was freezed with the directions of the second respondent in connection with the case in Crime No.292 of 2020. He would further submit that the petitioner has no connection with the criminal activity of Makesh Kumar and she is not an accused in the Crime No.292 of 2020. The amount, which are lying in the account of the petitioner are her hard earned money and death benefits of her late husband, which was given by her husband's employer. Due to the freezing of the accounts, the petitioner is put to severe hardship and thereby, the present petition has been filed to defreeze the account.

3. Learned Additional Public Prosecutor would submit that a case of job racketing has been registered against one Makesh Kumar in Crime No.292 of 2020. During the course of the investigation, it came to light that the said Makesh Kumar had deposited the proceeds of crime to the tune of Rs.1,36,000/- to the petitioner's account and thereby, the second respondent had directed the third respondent to freeze the account. He would further submit that the claim of the second respondent is only in respect of the amount of Rs.1,36,000/- which was deposited by the said Makesh Kumar and the second respondent has no objection in the balance amount being released to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

5. Taking into consideration the fact and circumstances, it is seen that the petitioner is not an accused in Crime No.292 of 2020. It is the case of the petitioner is that an amount of Rs.3,54,000/- which is the death benefit of the petitioner's husband, has been deposited in her account and the claim of the respondent police is only in respect of a sum of Rs.1,36,000/- which is alleged have been deposited by the accused in Crime No.292 of 2020.

6. In view of the above, this Court is of the opinion

that that petitioner may be permitted to withdraw the balance amount, other than the amount of Rs.1,36,000/- which is alleged to be the “proceeds of crime”. Therefore, a direction is issued to the third respondent bank to release the amount of Rs.2,18,000/- to the petitioner within a period of two weeks from the date of receipt of a copy of this order. In respect of the balance amount lying to the deposit, it shall be dealt by the trial Court concerned in accordance with law.

7. With these observations, this Criminal Original Petition stands disposed of. It is also made clear that if it is later found at the conclusion of trial that the amount of Rs.1,36,000/- is not the proceeds of crime, the petitioner is entitled to that amount.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Commissioner of Police,
Greater Chennai, Egmore, Chennai 8.

2. The Inspector of Police,
CCB I, Team -8, Egmore, Chennai 8.

3. The Branch Manager,
ICICI Bank Ltd,
No. 2/407, Mount Poonamallee Road,
Aiyappanthangal, Chennai - 600 056.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6871 of 2022

KK(CO)
SB(29/03/2022)