



WEB COPY



W.P.Nos.9560 & 9538 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM:

THE HON'BLE **Ms.JUSTICE R.N.MANJULA**

W.P.Nos.9560 & 9538 of 2021
and W.M.P. Nos.10158, 10161 & 10133

W.P. No.9560 of 2021

G.Krishnamoorthy

... Petitioner

Vs.

1. The State of Tamilnadu,
rep. by Secretary to Government,
Home Department,
Fort St. George, Chennai.

2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team IX-A, Vepery,
Chennai – 600 007.

3. The Chief Manager,
Bank of baroda,
S.I.E.T. College Avenue Branch,
No.54, Bharathidasan Road,
Teynampet, Chennai – 600 018.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the impugned communications BOB/COLMAD/ADV/258 dated 25.02.2021 and BOB:SIET:ADV:2021:271 dated 18.03.2021 on the file of the third



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respondent, to quash the same and consequently direct the third respondent to permit the petitioner to operate the Saving Bank Account Number-05310100003363 of the petitioner with the third respondent.

For Petitioner	: Mr.B.Ragavalu Naidu
For Respondents 1&2	: Mr.A.Damodaran, Addl. Public Prosecutor
3	: Mr. E.Vijayaraghavan

W.P. No.9538 of 2021

1. G.Krishnamoorthy
2. K.Subhashini

... Petitioners

Vs.

1. The State of Tamilnadu,
rep. by Secretary to Government,
Home Department,
Fort St. George, Chennai.

2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team IX-A, Vepery,
Chennai – 600 007.

3. The Chief Manager,
Bank of baroda,
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For Petitioners : Mr.B.Ragavalu Naidu
For Respondents 1&2 : Mr.A.Damodaran,
Addl. Public Prosecutor
3 : Mr. E.Vijayaraghavan

COMMON ORDER

This Writ Petition has been filed to call for the records of the impugned communications BOB/COLMAD/ADV/258 dated 25.02.2021 and BOB:SIET:ADV:2021:271 dated 18.03.2021 on the file of the third respondent, to quash the same and consequently direct the third respondent to permit the petitioner to operate the the Saving Bank Account (A/c. No.05310100003363) and Over Draft Account (A/c. No.05310400000074) of the petitioner with the third respondent.

2. When the matter is taken up today, the learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation does not reveal that any of the crime proceeds has been deposited in the



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Savings Bank account of the petitioner Krishnamoorthy / Accused-1 and in view of the same no prejudice would be caused to the investigation agency or the *de facto* complainant in passing an order to defreeze the Savings Bank account of the accused.

2.1 With regard of the Over Draft Account of the petitioner, it is stated by the learned Additional Public Prosecutor that the investigation in this case is almost concluded and the charge sheet is yet to be filed shortly.

3. Though it is alleged that a portion of the crime proceeds was deposited in the Over Draft Account of the petitioners, the learned counsel for the petitioners submitted that in the Over Draft account there is no surplus amount but the account is only lying with negative balance and the petitioners have to deposit the over draft amount already availed by them. He further submitted that freezing the Over Draft account would result in addition of interest / penal interest and that is an unnecessary liability for the petitioners.

4. Even the first respondent investigation agency did not come with



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any material facts to substantiate the fact that the Over Draft account of the petitioners does contain any positive balance. In view of the same I feel that it is appropriate to defreeze both the accounts of the petitioner.

5. In view of the above observation, these Writ Petitions are disposed of with a direction to the third respondent to allow the petitioner in W.P.No.9560 of 2021 to operate his Savings Bank Account bearing Account No. 05310100003363 and the petitioners in W.P. No.9538 of 2021 to operate their Over Draft Account bearing Account No. 05310400000074, lying within the third respondent bank. However, in the interest of justice, the first respondent is directed to complete the investigation and file the final report within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Speaking / Non Speaking Order
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22.09.2022

R.N.MANJULA, J.



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- To
1. The Secretary to Government,
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 2. The Inspector of Police,
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Chennai – 600 007.

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