



Crl. O.P. No.9879 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9879 of 2022

M/s. Devarsh Trading ... Petitioner

Vs

1. The State
rep. By The Inspector of Police
District Cyber Crime Branch (CCD – II)
Police Station
S.P.Office premises
Cuddalore 607 001.

2. The Branch Manager
AXIS Bank, Bhupendra Road Branch
F 9 I Floor, Monarch Complex
Rajkot
Gujarat 360 001. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction to the respondents to de-freeze the petitioner's bank Account in Current Account No.921020005735060, AXIS Bank, Bhupendra Road Branch, F 9 I Floor, Monarch Complex, Rajkot, Gujarat 360 001, freezed by the first respondent Police in Crime No.7 of 2021.

For Petitioner	...	Mr.A.K.Velan
For Respondents	...	Mr.A.Gokulakrishnan
		Additional Public Prosecutor
		for R.1
		No appearance for R.2.

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ORDER

This Criminal Original Petition has been filed to direct the respondents to de-freeze the petitioner's bank Account in Current Account No.921020005735060, AXIS Bank, Bhupendra Road Branch, F 9, I Floor, Monarch Complex, Rajkot, Gujarat 360 001, freezed by the first respondent Police in Crime No.7 of 2021.

2. Heard Mr.A.K.Velan, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent. There is no representation on behalf of the second respondent.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that since the first respondent has not given any notice to the petitioner with regard to freezing of bank account and also the first respondent has not complied with mandatory requirements, provided under Section 102 of the Code of Criminal Procedure, the petitioner has approached this Court for the relief, as stated supra.



4. The learned Additional Public Prosecutor submitted that initially, the name of the petitioner was not figured in the First Information Report. But during investigation, it has been found that totally there are five teams and they have opened various accounts and moreover, the respondent Police have received several complaints so far. Since the first respondent Police found that the petitioner is also one of the accused, the first respondent Police is proceeding against the petitioner and objected for allowing this Criminal Original Petition.

5. Considering the submission of the learned Additional Public Prosecutor, this Court is of the considered view that defreezing the accounts of the petitioner cannot be granted at this stage. Accordingly, this Criminal Original Petition is dismissed.

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mvs.

Index: Yes/No

Internet: Yes

Speaking/Non-Speaking order



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N. SATHISH KUMAR, J

mvs.

To

1. The Inspector of Police
District Cyber Crime Branch (CCD – II)
Police Station
S.P.Office premises
Cuddalore 607 001.
2. The Public Prosecutor, High Court, Madras.

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