IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11675 OF 2022

P.K.S.Manian ... Petitioner

Vs

1. The State rep.by
   The Inspector of Police,
   Cyber Crime Cell,
   Central Crime Branch,
   Vepery, Chennai.

2. ICICI Bank Pvt.Ltd.,
   Rep.by its Branch Manager,
   Faridabad Branch,
   Sector 16, Faridabad,
   Haryana State.

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 10.05.2022 passed by the Court of the CCB and CBCID Metropolitan Magistrate, Egmore in Crl.MP.No.8188 of 2022 in Crime No.243 of 2020, on the file of the respondent Police and direct the respondents to defreeze the fraudster's account maintained with the second respondent's bank and revert the amount of Rs.9,69,400/- to the petitioner's Account No.13051570001161 maintained with HDFC Bank, Kotturpuram Branch (IFSC 0001305).

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.A.Gokulakrishnan
Addl. Public Prosecutor for R1
Mr.K.Moorthy for R2

ORDER

The Criminal Original Petition filed to set aside the order dated 10.05.2022 passed by the Court of the CCB and CBCID

Metropolitan Magistrate, Egmore in Crl.MP.No.8188 of 2022 in Crime No.243 of 2020, on the file of the respondent Police and direct the respondents to defreeze the fraudster's account maintained with the second respondent's bank and revert the amount of Rs.9,69,400/- to the petitioner's Account No.13051570001161 maintained with HDFC Bank, Kotturpuram Branch (IFSC 0001305).

2. It is the case of the petitioner that on 21.12.2018 he received an e-mail from Tata Group Company, London U.K. stating that he had won a prize money of 500,000,00 pounds i.e., around Rs.3 crores. He also received one parcel which contained D.D. for 500,000,00 pounder assigned by one Chris William, Diplomate and they asked clearance charges and others. Believing them, this petitioner had transferred Rs.22,800/- to one Abhijith Sinha through NEFT on 27.12.2018. Further he had transferred Rs.89,850/- to Canara Bank account of Asrar, Mohali, Pujab. Further he also transferred Rs.2,84,500/- to Prashant Enterprises, ICICI Bank bearing Ac.No.008305502811 on 29.12.2018 and also transferred Rs.6,84,900/- to the same account. Totally he transferred Rs.10,80,950/- to various accounts. Later he came to know that they had cheated him and caused wrongful loss. Hence he lodged a complaint on 10.01.2019 before the Commissioner of Police, Chennai. they have registered an FIR in Cr.No.243 of 2020 and the second respondent Bank alone was freezed by the respondent police, which was transferred by this petitioner. Thereafter he filed a petition before the Metropolitan Magistrate for exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID Metro cases, Chennai whereby the lower Court dismissed the petition. Aggrieved over the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the amount is not disputed by the Bank and the Bank is also willing to release the amount if there is appropriate order from the Court.

4. The learned counsel for the second respondent/Bank submitted that as per the order of this Court they would release the amount. The learned Additional Public Prosecutor also submitted that there is no dispute with regard to the amount of the petitioner in the HDFC Bank.

5. In such view of the matter, Investigating Officer is directed to give necessary instructions to the Bank to release the amount of the petitioner immediately. After releasing the amount the account of the accused shall be freezed.

6. With the above direction and observation the Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Inspector of Police,
   Cyber Crime Cell,
   Central Crime Branch,
   Vepery, Chennai.

2. The Branch Manager,
   ICICI Bank Pvt.Ltd.,
   Faridabad Branch,
   Sector 16, Faridabad,
   Haryana State.

3. The Public Prosecutor,
   High Court of Madras.

+1cc to Mr.C.D.Johnson, Advocate, S.R.No.40923
+1cc to Mr.K.Moorthy, Advocate, S.R.No.40492

Crl.O.P. No.11675 of 2022

PL(CO)
PM/15/07/2022