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CrI.O.P.No.21458 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA
KURUP**

CrI.O.P.No.21458 of 2021

Thangamani Ramasamy

... Petitioner

Versus

State

Rep.by the Sub-Inspector of Police

Namakkal Police Station

Namakkal

Tamil Nadu

(Ref.Crime No.429/2021 dated 07.03.2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent to de-freeze the Petitioner's bank account's in DBS Bank (then the Lakshmi Vilas Bank), Namakkal in the name of Amudha Surabhi Finance- A/c.No.0488360000006655; Deivaletuchmi Finance bearing Account Number: 0488351000000663 and another Account maintained at Punjab



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National Bank, Namakkal Branch in the name of Hasvitha Nithyagam bearing Account Number:4201002100027476 with a period as stipulated by this Court.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This petition had been filed to direct the Respondent to de-freeze the Petitioner's bank account's in DBS Bank (then the Lakshmi Vilas Bank), Namakkal in the name of Amudha Surabhi Finance-A/c.No.0488360000006655; Deivaletchumi Finance bearing Account Number: 0488351000000663 and another Account maintained at Punjab National Bank, Namakkal Branch in the name of Hasvitha Nithyagam bearing Account Number:4201002100027476 within a period as stipulated by this Court.



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2. The Learned Counsel for the Petitioner submitted that this petition has been filed by Thangamani Ramasamy seeking to de-freeze the account's in DBS Bank, Lakshmi Vilas Bank and Punjab National Bank. It is the submission of the Learned Counsel for the Petitioner that the Investigation Officer had not followed the procedure as per Section 102 Cr.P.C., while freezing the Account. Therefore, he seeks to de-freeze the account.

3. The Learned Government Advocate (Crl.Side) invited the attention of this Court to Para Nos.6, 7 and 8 of the typed set of papers wherein, the Investigating Officer had addressed a letter to the Bank Officials viz., Lakshmi Vilas Bank and Punjab National Bank to freeze the account of the Petitioner.

4. It is the allegation of the Defacto Complainant that the Petitioner had transferred money from his account to the Petitioner's account under the guise of getting employment. Therefore, based on the Defacto Complainant's complaint for the offence under Sections 406, 417,



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420, 468, 471 and 506(i) of IPC, a case been registered in Crime No.429 of 2021 before the Namakkal Police Station and the investigation is still pending.

5. The Learned Government Advocate (Crl.Side) submitted that as per Section 102 Cr.P.C., the Investigating Officer ought to have filed a report along with the requisition letter to the Learned Judicial Magistrate No.I, Namakkal. After obtaining permission from the Court concerned, he ought to have approached the Bank to freeze the account. The Learned Government Advocate (Crl.Side) submitted that the Investigating Officer had not followed the procedure under Section 102 of Cr.P.C. However, since the investigation is pending, if the account of the Petitioner is de-frozen, it will hinder the investigation.

6. At this stage, the Learned Counsel for the Petitioner intervened stating that any stringent condition may be imposed.



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7. Considering the above submissions, it seems that the alleged transaction involves Rs.14 lakhs. Therefore, the Petitioner is directed to deposit the sum of Rs.14 lakhs in the Court of the Learned Judicial Magistrate No.I, Namakkal. If he deposits the said amount within a period of one month from the date of receipt of a copy of this order, the Learned Magistrate shall pass orders to de-freeze the account.

8. On such deposit by the Petitioner herein, the Learned Judicial Magistrate shall invest the said amount in any of the Nationalized Bank having its Branch within the territorial jurisdiction of the Learned Judicial Magistrate, Namakkal, as the same may fetch interest which will be useful to the party in whose favour the criminal case may be decided. It shall not be retained in criminal Court deposit as it will not fetch interest. Therefore, this direction given to deposit the account in Nationalized Bank till disposal of the case at the due trial.



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SATHI KUMAR SUKUMARA KURUP., J.
dna

9. With the above directions, this Petition is disposed of.

22.06.2022

Index: Yes/No
Internet: Yes/No
dna

To

- 1.The Judicial Magistrate No.I, Namakkal.
- 2.The Sub-Inspector of Police
Namakkal Police Station
Namakkal
Tamil Nadu
(Ref.Crime No.429/2021 dated 07.03.2021)
- 3.The Public Prosecutor
High Court, Madras.

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