



Crl.O.P.No.29161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

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Zion Church of India Federation
No.922, H Block
Ground Floor, Front Unit
17th Main Road,
Anna Nagar,
Chennai – 600040.
Rep by its President
Mr.Amaladas Rajesh
S/o.Mr.V.G.Santhosam

... Petitioner

Vs.

1.The State Rep by
The Inspector of Police
CB-CID North-Kancheepuram
Kancheepuram District
(Crime No.5 of 2021)

2.The Branch Manager,
HDFC Bank Limited
No.1, Block No.5,
Pari Salai,
Mogappair East,
Chennai - 600037

. ... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to defreeze the current A/c.No.50100146457302 of the petitioner Zion Church of India Federation, being maintained with 2nd respondent / HDFC Bank, Mogappair (East) Branch, which was frozen by the 1st respondent in Crime No.5 of 2021, consequently direct the 2nd respondent bank to permit the petitioner to operate their account.

For Petitioner : Mr.M.Palanivel

For Respondents :Mr.S.Santhosh for R1,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to defreeze the current A/c.No.50100146457302 of the petitioner Zion Church of India Federation, being maintained with 2nd respondent / HDFC Bank, Mogappair (East) Branch, which was frozen by the 1st respondent in Crime No.5 of 2021 and direct the second respondent/bank to permit the petitioner to operate the account.



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2. The learned counsel for the petitioner submitted that on the basis of the complaint given by the Revenue Divisional Officer, Kancheepuram District, a case has been registered in Crime No.5 of 2021 against the petitioner and 6 others for the offences under Sections 465, 468, 471 and 420 of IPC. During the course of investigation, the account of petitioner has been frozen by the first respondent, due to which, the petitioner was unable to pay the salaries of the Pastors and Administrators and facing difficulty to carry out the day to day administration. Hence, the present petition has been filed.

3. The learned Government Advocate (crl.side) opposed this petition on the ground that the petitioner is the A1 in this case. The issue in the complaint is that the Government lands were out by the accused to the private persons by creating forged and fabricated documents. The petitioner's account is connected with this case, therefore, the aforesaid account was frozen.



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4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.

5. This court, on going through the counter affidavit filed by the first respondent, finds that only a sum of Rs.5,414/- is available in the account of the petitioner. The reason stated by the learned Government Advocate (crl.side) to freeze the account of the petitioner is that the alleged cheated amount was deposited in the account of the petitioner.

6. In the light of the submission made by the learned Government Advocate (crl.side), this Court is of the opinion that the suspected banking transaction can be proved by producing the bank statement of the petitioner's account. No purpose would be served by freezing the account, which has only a sum of Rs.5,414/-. Therefore, without going into the merits of this case, this Court directs the first respondent to de-freeze the current A/c.No.50100146457302 of the petitioner.



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7. With the above direction, this Criminal Original Petition stands disposed of.

14.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

1. The Inspector of Police
CB-CID North-Kancheepuram
Kancheepuram District.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
shk

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