



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.13716 of 2021

Jeyabharathi

... Petitioner

Vs.

1.State represented through
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

2.The Manager,
Tamilnadu Mercantile Bank,
Ariyakulam Branch,
D No.6/104A, 3rd Street, Ground Floor,
Teachers Colony,
Ariyakulam - 627 011.

3.The Manager,
Indian Bank,
Andipatti Branch, No.8-1-590,
Madurai to Theni Main Road,
Aandipatti,
Theni District - 625 512.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1st respondent to immediately instruct the respondents 2 and 3 to de-freeze the Savings Bank account No.402100050302326 and Fixed Deposit Nos.402200050100452 and 402200050100461, Tamilnadu Mercantile Bank, Ariyakulam Branch and the Savings Bank Account No.6010228318, Indian Bank, Andipatti Branch and the 2nd and 3rd respondent to permit the petitioner to access the said accounts.

For Petitioner	:	Mr.G.Prabhu Rajadurai
For R-1	:	Mr.R.M.Anbunithi Additional Public Prosecutor (Crl. Side)
For R-2	:	Mr.N.Dilip Kumar



ORDER

This Criminal Original Petition has been filed to direct the first respondent to immediately instruct the respondents 2 and 3 to de-freeze the Savings Bank account No.402100050302326 and Fixed Deposit Nos.402200050100452 and 402200050100461, Tamilnadu Mercantile Bank, Ariyakulam Branch and the Savings Bank Account No.6010228318, Indian Bank, Andipatti Branch and the second and third respondents to permit the petitioner to access the said accounts.

2. The case of the petitioner is that her husband is a dealer in cardamom and he used to purchase cardamom from the estates. He is also engaged in real estate business. He has own property and he has rented out the same. Though the petitioner is a house wife, she has been provided with money by her husband from his business. The petitioner is having account with the second respondent in Savings Bank Account No.402100050302326 and also two fixed deposits under Fixed Deposit Nos.402200050100452 and 402200050100461. Similarly, the petitioner is also having bank account with the third respondent in Savings Bank Account No.6010228318. While being so, the petitioner's husband involved in the case registered in Crime No.18 of 2019 on the file of the first respondent for the alleged offences punishable under Section 420 of IPC and it was registered on 10.09.2019.

3. Pursuant to the said F.I.R, the first respondent arrested the petitioner's husband and remanded to judicial custody. Thereafter, the accounts of the petitioner including the fixed deposits with the second and third respondents have been frozen. The same was intimated by the second respondent bank by letter dated 30.04.2021 and by letter dated 18.02.2021 by the third respondent.

4. The only point for consideration is that the first respondent whether violated the procedure as contemplated under Section 102(3) of Cr.P.C.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that after freezing the savings bank accounts of the petitioner and also the fixed deposits, the first respondent did not inform the same to the concerned jurisdictional Magistrate Court so far.

6. It is relevant to extract the provisions under Section 102 (3) of Cr.P.C. as follows:

"(3) Every police officer acting under Sub-section(1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the



property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same."

7. Admittedly, the first respondent did not comply the procedure as contemplated under Section 102(3) of Cr.P.C. Therefore, the freeze of the accounts and fixed deposits have no legs to stand further.

8. Considering the above submission, the first respondent is directed to instruct the second and third respondents to de-freeze the savings bank account of the petitioner in Savings Bank account No.402100050302326 and also the Fixed Deposit Nos.402200050100452 and 402200050100461, Tamilnadu Mercantile Bank, Ariyakulam Branch and also to defreeze the savings bank account of the petitioner in Savings Bank Account No.6010228318, Indian Bank, Andipatti Branch, forthwith. The first respondent is also directed to complete the investigation and file a final report within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Criminal Original Petition is allowed. However, the second and third respondents are at liberty to freeze the accounts of the petitioner in manner known to law, if so required, after complying with the procedure as contemplated under law.

Sd/-

Deputy Registrar (LA&MC)

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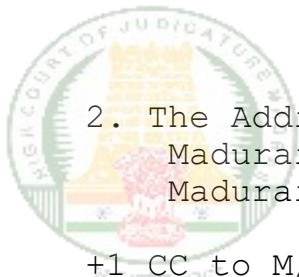
Sub Assistant Registrar(CS)

Lm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.



2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-7710[F] dated
22/02/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7921[F] dated 22/02/2022)

Crl.O.P(MD).No.13716 of 2021
21.02.2022

SMV(CO)
KB(18.03.2022) 4P 5C