



W.P(MD)No.25368 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.25368 of 2022

Indhran

...Petitioner

Vs.

State represented by
The Inspector of Police,
Cyber Crime Police Station,
Tirunelveli City,
Tirunelveli District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent to send communication to the IndusInd Bank to defreeze the Petitioner's bank account bearing Account No.259894779444, IndusInd Bank, R.S.Puram Branch, Coimbatore by considering the Petitioner's representation dated 11.10.2022 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the Respondent to send communication to the IndusInd Bank to defreeze the Petitioner's bank account bearing Account No.259894779444, IndusInd Bank, R.S.Puram Branch, Coimbatore by considering the Petitioner's representation dated 11.10.2022 within a stipulated time that may be fixed by this Court.

2.The learned Counsel for the Petitioner submitted that the account of the Petitioner is maintained with IndusInd Bank, R.S.Puram Branch, Coimbatore, which was frozen on instructions from the Respondent. The Petitioner had sold a mobile phone to one M/s.Sri Vinayaga Traders. He is no way related to the crime and he had furnished all his Bank details to the Investigation Officer and sought to de-freeze the account and also undertakes that he will co-operate with the pending investigation.

3. He further submitted that the Investigation Officer had not followed the procedure as per Section 102 of Cr.P.C, while freezing the Account. Further, he relied on the orders of the learned Single Judge of



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this Court in CrI.O.P.No.21458 of 2021, dated 22.06.2022 and W.P.No. 21344 of 2022, dated 14.09.2022.

4.In the light of the above, the Petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five lakhs only) in the account of the Crime No.18 of 2022 on the file of the learned Judicial Magistrate, Tirunelveli within a period of one week from the date of receipt of a copy of this order.

5.The Respondent is directed to pass appropriate orders to de-freeze the account of the Petitioner within a period of one month from the date of receipt of a copy of this order. For the purpose of investigation, the Respondents shall adhere to the ratio laid down by the Hon'ble Supreme Court in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in ***2013 (6) CTC 353*** and the Petitioner is directed to co-operate with the pending investigation. The learned Judicial Magistrate No.1, Tirunelveli shall deposit the said amount in respect of Crime No.18 of 2022, so that in the conclusion of the trial, the amount may be allotted to the person, who succeed in the trial which may be decided by the trial Court.



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6. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No
vsd

To

1. The Inspector of Police,
Cyber Crime Police Station,
Tirunelveli City,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

vsd

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