



Crl.R.C.No.766 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2023

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THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.766 of 2023

A.Azizul Kareem

... Petitioner

Vs.

The State represented by
the Assistant Commissioner of Police
Forgery Investigation Wing
Central Crime Branch
Vepery, Chennai-600 007.

... Respondent

Prayer : Criminal Revision filed under Section 397 read with 401 of Cr.P.C. to call for the records and to set aside the impugned order dated 30.01.2023 made in Crl.M.P.No.40536 of 2022 in C.C.No.6663 of 2022 on the file of the CCB and CBCID Metropolitan Magistrate Court at Egmore, Chennai.

For Petitioner : Ms.R.Divya

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)



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ORDER

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2. The facts of the case leading to filing of this Criminal Revision are as follows;

(i) One P.S.Kirubakaran and his seven other family members, who are the owners of the property situated in Old Door No.129, New No.98, Pavalakara Street, Mannadi, Chennai, to an extent of 2163 sq.ft. valued about five Crores, had given the said property to the petitioner/accused under lease agreement dated 15.12.2012 for commercial purpose for an advance of Rs.2,00,000/- and for monthly rent of Rs.20,000/-. The petitioner has not paid the rent properly. Therefore, the defacto complainant has insisted the petitioner to vacate the said premises. But the petitioner/accused created forged unregistered sale agreement dated 02.06.2014 by forging the signatures of eight persons including the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioner.



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(ii) Based on the complaint given by the defacto complainant, a case has been registered against the petitioner in Crime No.68 of 2020 for the offences under Sections 420, 465, 468 and 471 of IPC. After investigation, charge sheet has been filed and subsequently, the Court has taken cognizance of the criminal case in C.C.No.6663 of 2022. The respondent police freezed the following accounts of the petitioners:

(1) SB A/C Nos.50100173618397, 50100041180509, 50100091424154, 50200008839720 and 50200007144621 with HDFC Bank;

(2) SB A/C No.8112974158 with Kotak Mahindra Bank;

(iii) Therefore, the petitioner has filed a petition Crl.M.P.No.40536 of 2022 in C.C.No.6663 of 2022 for a direction to the respondent for defreezing the above said bank accounts. The trial Court dismissed the said application.

(iv) Challenging the said order of dismissal dated 30.01.2023 made in Crl.M.P.No.40536 of 2022 in C.C.No.6663 of 2022, the petitioner has come out with the present Criminal Revision to defreeze the bank accounts.



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5. Learned counsel appearing for the petitioner submitted that the respondent police froze the bank accounts of the petitioners without following the mandatory provisions of section 102 of Cr.P.C., He further submitted that the respondent has not produced any material to show that the frozen bank account has any nexus with the commission of the alleged offence. Thus the impugned order passed by the court below is ex-facie illegal, arbitrary and against law. **no crime involving amount has been transacted through the bank accounts of the petitioner.** In view of the same, freezing of the petitioner's bank accounts is unwarranted. Hence, prayed for defreezing the bank accounts so as to enable the petitioner to operate the accounts and for allowing this Criminal Revision by setting aside the impugned order passed by the trial Court.

6. Learned Government Advocate (Crl.side) appearing for the respondent Police submitted that on investigation, it has been found that crime involving amount was not transacted through the bank accounts of the petitioner and no crime involving amount has been deposited in the above said accounts of the petitioner. However, he prayed for dismissal of the



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Criminal Revision.

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7. I have considered the submissions made on either side and perused the entire materials available on record.

8. On perusal of the records, it is noticed that the defacto complainant and his family members had given their property worth about five Crores to the petitioner under lease agreement for an advance of Rs.2,00,000/- and for monthly rent of Rs.20,000/-. According to the defacto complainant, the petitioner/accused has not paid the rent properly and therefore, he was requested to vacate the said premises. But the petitioner/accused has created forged unregistered sale agreement by forging the signatures of the defacto complainant including his family members. Therefore, the defacto complainant gave the complaint and the case has been registered against the petitioner/accused and on investigation, charge sheet has been filed in C.C.No.6663 of 2022. Pursuant to which, the respondent Police freezed the bank accounts of the petitioner. According to the petitioner, the said C.C.No.6663 of 2022 has been related to the disputed sale agreement and



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freezing the bank accounts of the petitioner is unwarranted. Further it is to be noted that when the matter is taken up for hearing, the learned Government Advocate (Crl.side) appearing for the respondent Police submitted that no criminal transaction has been taken place through the petitioner's bank accounts and no crime involving amount has been deposited in his accounts.

Considering the submissions of the learned Government Advocate (Crl.side) that no criminal transaction has been taken place through the petitioner's bank accounts and no crime involving amount has been deposited in his bank accounts, freezing of the petitioner's bank accounts is unwarranted. Therefore, I am inclined to set aside the impugned order passed by the trial Court. Accordingly, the impugned order dated 30.01.2023 made in Crl.M.P.No.40536 of 2022 in C.C.No.6663 of 2022 on the file of the CCB and CBCID Metropolitan Magistrate Court at Egmore, Chennai, is set aside and the respondent is directed to defreeze the above said bank accounts of the petitioner.



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In the result, the Criminal Revision case is allowed.

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Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 08.06.2023

To

1. The Assistant Commissioner of Police
Forgery Investigation Wing
Central Crime Branch
Vepery, Chennai-600 007.

2.CCB and CBCID Metropolitan Magistrate,
Egmore, Chennai.

3. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.

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