



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.14029 & 14031 of 2023
and Crl.M.P.Nos.8652 & 8658 of 2023

Julfikar Husen

.. Petitioner
in Crl.O.P,No.14029 of 2023

Bilkish Tara

.. Petitioner
in Crl.O.P,No.14031 of 2023

Vs.

1.State Rep. by
The Inspector of Police,
Shevapet Police Station,
Salem.

2.The Branch Manager,
Bandhan Bank,
No.180, Ground Floor,
T.V.Samy Road West,
R.S. Puram, Coimbatore.

3.Shento Varghese

..Respondents

[3rd respondent impleader vide order dated 09.08.2023 in Crl.M.P.Nos.10625 & 10635 of 2023 in Crl.O.P.Nos.14029 & 14031 of 2023]

COMMON PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to defreeze the petitioners bank account



bearing Account Nos.50200006888958 and 50200016559231 respectively maintained in the 2nd respondent bank within the stipulated by this Court.

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In Both Crl.O.Ps

For Petitioner : Mr.M.Mohammed Riyaz
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1
No Appearance for R2
Mr.L.Ramanathan for R3

COMMON ORDER

These petitions have been filed by the husband and wife for a direction to the 1st respondent to defreeze the Bank account maintained by them in the 2nd respondent Bank.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3.When the matter came up for hearing on 02.08.2023, this Court directed the learned Additional Public Prosecutor to take instructions as to when the Bank account was freezed and when it was intimated to the concerned jurisdictional Court.



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4. When the matter taken up for hearing today, the learned Additional Public Prosecutor on instructions submitted that the Bank account was freezed on 09.01.2023 and whereas, it was intimated to the concerned jurisdictional Magistrate Court only on 27.01.2023.

5. Section 102(3) of Cr.P.C., makes it mandatory on the part of the police to inform the freezing of Bank account to the concerned Court forthwith, failing which, the entire process will get vitiated. This position of law is now too well settled. In this case, the intimation was not given to the jurisdictional Court immediately and there is a substantial delay. In view of the same, the freezing of the Bank account becomes illegal for non-compliance of the mandate under Section 102 of Cr.P.C.

6. There is yet another reason as to why this Court has to interfere with the freezing of the Bank account. If such freezing of Bank account had taken place in the course of investigation, it has to necessarily form part of the final report and a mention must be made in the final report in this regard. On carefully going through the final report, there is not even a whisper that the Bank account of the petitioners was freezed in the course of investigation.



N.ANAND VENKATESH, J

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7.In the light of the above discussion, the freezing of the Bank account of the petitioners is held as illegal and there shall be a direction to the 1st respondent to defreeze the Bank account maintained by the petitioners before the 2nd respondent forthwith.

8.In the result, both the criminal original petitions are disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

09.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Inspector of Police,
Shevapet Police Station,
Salem.
- 2.The Public Prosecutor
High Court of Madras, Madras.

Crl.O.P.Nos.14029 & 14031 of 2023
and Crl.M.P.Nos.8652 & 8658 of 2023