IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

C O R A M

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1115 of 2023

Saurabh Rathore .. Petitioner

-Vs.-

1. The State Represented by
   The Inspector of Police,
   Central Crime Branch,
   Bank Fraud Wing Team – 12,
   Commissioner Office Building,
   II Floor, EVK Sampath Road,
   Vepery, Chennai 600 007.
   [Crime No.109 of 2020]

2. M/s.Dharma Karma Company,
   Rep by its Managing Partner,
   Bharath Sethia
   (South region of India)
   No.64/20, Tulsi Kripa,
   Avadi Srinivasan Road,
   Choolai, Chennai 600 112 .. Respondents

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of Cr.P.C to set aside the order dated 30.05.2023 passed by the Additional

Court of CCB, Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.20240 of 2023.

For Petitioner ... Mr.Muralikumaran, Senior Counsel for Mr.Thriyambak J.Kannan

For Respondent-1 .... Mr.R.Vinothraja Government Advocate(Crl.Side)

ORDER

This Criminal Revision Petition is filed seeking to set aside the order dated 30.05.2023 passed by the Additional Court of CCB, Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.20240 of 2023.

2.The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.109 of 2020. The respondent Police registered a case against the petitioner/accused for the offence under Sections 120B r/w 420 I.P.C and 66, 66C, 66D IT Act, 2008.

3.During the course of investigation, the petitioner's bank account, bearing No.10008386694 at IDFC First Bank at Fort Branch, Mumbai had been frozen by the respondent-Police. Thereafter, the petitioner filed Crl.O.P.No.24380 of 2021 before this Court for de-freezing the bank account. This Court, by its order dated 04.01.2023, allowed the petition on condition that the amount of Rs.28,64,694.52 lying in the account shall be transferred to the credit of the Crime No.109 of 2020 and further directed that the said amount shall be deposited in any one of the nationalised bank in a fixed deposit until further orders. Under these circumstances, the petitioner has filed Crl.M.P.No.20240 of 2023 on the file of the Court of CCB and CBCID Metropolitan Magistrate, Egmore, Chennai, seeking a direction to release the amount of Rs.28,64,694.52/- lying in the credit of Crime No.109 of 220 in favour of the de-facto complainant. The trial Court, by its order dated 30.05.2023, dismissed the said petition on the ground that this Court, in Crl.O.P.No.24380 of 2021, directed to transfer the amount of Rs.28,64,694.52 to the credit of Crime No.109 of 2021 and to deposit the said amount in any one of the nationalized banks in a fixed deposit.

4. The learned Additional Public Prosecutor submitted that in this case, the investigation is pending and the amount has been deposited in nationalised bank.

5.I have considered the submissions made by the learned counsel appearing for the respective parties and perused the entire materials placed on record.

6.On perusal of the records, it is noticed that this Court, by its order dated 30.05.2023, in Crl.O.P.No.24380 of 2021, while de-freezing the account namely, No.10008386694 at IDFC First Bank at Fort Branch, Mumbai, directed to transfer the amount to the credit of the crime No.109 of 2020 in Special Court for CCB and CBCID Metro`Cases, Egmore, Chennai, and the said amount shall be kept in any one of the nationalized banks. In these circumstances, I see no reason to interfere with the order passed by the trial Court. Accordingly, the criminal revision petition is dismissed.

26.06.2023

srn

To

1. The Inspector of Police,
   Central Crime Branch,
   Bank Fraud Wing Team – 12,
   Commissioner Office Building,
   II Floor, EVK Sampath Road,
   Vepery, Chennai 600 007.

2. The Public Prosecutor, High Court, Madras

V.SIVAGNANAM, J.,

srn

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