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Crl.O.P. No. 14777 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14777 of 2023

&

Crl.M.P. No. 9223 of 2023

Arunesh Kumar Madan

... Petitioner

Vs.

1. State represented by
Additional Superintendent of
Police,
Economic Offences Wing,
Camp at Chennai,
Police Training College Campus,
No:3, Natesan Salai,
Ashok Nagar,
Chennai - 83.

(Cause Title according to the Notice under
Section 91 Cr.P.C.)

2. The Manager,
AXIS Bank Branch,
No.6, Kanakapura Main Road,
Raghuvanahalli,



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Bengaluru,
Karnataka - 560 062.

... Respondents

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This Criminal Original Petition is filed under Section 482

Cr.P.C. to defreeze 2 Bank Accounts of the petitioner in AXIS bank, Kanakapura Road Branch, Bengaluru bearing account number 910010014027973 and account number 912010001927310 frozen on the instruction of the 1st respondent Police in relation to the Crime No.07 of 2022 on the file of the EOW, Headquarters, Chennai and permit the petitioner to access the funds within the accounts.

For Petitioner : Mr.G.R. Hari

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to defreeze the bank account of the petitioner maintained before the 2nd respondent bank.



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2. When the matter came up for hearing on 04.07.2023, this Court passed the following order :-

Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice on behalf of first respondent.

2. It is brought to the notice of this Court that the bank accounts of the petitioner were freezed on 14.03.2023 and that the petitioner is not able to make any transactions and he has been put to hardship.

3. Learned Additional Public Prosecutor is directed to take instructions from the first respondent as to when the freezing of the bank accounts was informed to the concerned Magistrate Court as mandated u/s.102 Cr.P.C.

Post this case under the same caption on 07.07.2023.

3. When the matter was taken up for hearing today, the learned Additional Public Prosecutor on instructions submitted that the 1st respondent did not intimate the freezing of bank account as



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mandated under Section 102 of Cr.PC before the concerned
magistrate.

4. In view of the above, the freezing of bank account has become illegal and hence, there shall be a direction to the 1st respondent to defreeze the bank account forthwith.

5. This Criminal Original petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

07.07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order



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To

1. Additional Superintendent of
Police,
Economic Offences Wing,
Camp at Chennai,
Police Training College Campus,
No:3, Natesan Salai,
Ashok Nagar,
Chennai - 83.
2. The Manager,
AXIS Bank Branch,
No.6, Kanakapura Main Road,
Raghuvanahalli,
Bengaluru,
Karnataka - 560 062.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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