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CrI.O.P. No.15466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.15466 of 2023

Ajith @ Ajith Kumar

...Petitioner

Vs

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
Crime No.343/2022

2.The Branch Manager,
State Bank of India,
Plot No.745, First Floor,
4th Avenue, Park Road,
Anna Nagar West Extension,
Chennai – 600 101.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 1st respondent to defreeze the petitioner's Account No.37590344477 in State Bank of India, Plot No.745, First Floor, 4th Avenue, Park Road, Anna Nagar West Extension, Chennai – 600 101.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the first respondent to defreeze the bank account of the petitioner maintained before the second respondent Bank.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the first respondent.

3. The first respondent has registered an F.I.R. In Crime No.343 of 2022 against the petitioner for offences under the NDPS Act. During the course of investigation, the first respondent had taken steps to freeze the bank account of the petitioner on 16.06.2023. The petitioner has approached this Court seeking for a direction to defreeze the bank account on the ground that the first respondent failed to comply with the mandate under Section 102 Cr.P.C.

4. Learned Additional Public Prosecutor on instructions submitted that the account was freezed on 16.06.2023 and that the same was not immediately intimated to the learned Magistrate.



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5. In view of the submission made by the learned Additional Public Prosecutor it is clear that the mandate under Section 102 Cr.P.C. has not been followed and the intimation regarding the freezing of account has not been given to the concerned Magistrate immediately. The issue on hand is covered by the earlier order passed by this Court in Crl.O.P.No.14676 etc. of 2023 dated 03.07.2023.

6. In the light of the above discussion, there shall be a direction to the first respondent to defreeze the bank account of the petitioner maintained before the second respondent Bank forthwith. If the first respondent, in the course of investigation, wants to freeze the bank account of the petitioner, the mandatory requirements as provided under Section 102 Cr.P.C. shall be followed and shall be strictly complied with.

7. This Criminal Original Petition is disposed of in the above terms.

11.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

rsi

To

- 1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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