



Crl.O.P.No.15531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Ram Lal Choudhary

.. Petitioner

Versus

1. State Rep by
Inspector of Police,
EDF-II, Team III,
Central Crime Branch,
Vepery,
Chennai.
(Crime No.9 of 2023)

2. The Bank Manager,
ICICI Bank, (Madhavaram Branch),
No.37, K.P. Garden,
Madhavaram,
Chennai.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to de-freeze the Bank account No.190205001581, of the petitioner Company Rajasthan Traylor Service maintained with the 2nd respondent ICICI Bank, (Madhavaram Branch) No.37, K.P. Garden, Madhavaram, Chennai.



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For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1

: Mr.P.Govindaraj, for R2

ORDER

This petition has been filed for a direction to de-freeze the bank account of the petitioner maintained in the second respondent bank.

2. Heard Mr.R.C.Paul Kanagaraj, learned Counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent and Mr.P.Govindaraj, learned Counsel for the second respondent.

3. This petition has been filed mainly on the ground that the respondent Police did not comply with the mandate under Section 102 of Cr.P.C.

4. It will be relevant to take note of the counter filed by the first respondent and paragraph No.9 in the counter is extracted hereunder:-



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"9) It is submitted that the bank accounts of the Petitioner / Accused and his relatives were frozen on 01.02.2023 and it was intimated to the Petitioner / Accused on the same day and also to the learned Judicial Magistrate-1, Poonamallee Court on 02.02.2023 as required under section 102 Cr.P.C. It is further submitted that the freezing of the bank accounts of the Petitioner / Accused and his relatives are clearly sustainable as per the settled law which requires that the Investigation Officer must report the freezing of the bank account to the concerned Magistrate at the earliest point of time and as mandated under section 102 Cr.P.C."

5. It is clear from the above that the freezing of the bank account has been informed to the learned Judicial Magistrate No.I, Poonamallee on the very next date i.e., on 02.02.2023. Hence there is no violation in following the mandate under Section 102 of Cr.P.C. Accordingly, this Court does not find any ground to issue directions as sought for by the petitioner.

6. Ultimately, it is left open to the petitioner to go before the appropriate Court and file an appropriate application seeking for de-freezing of the bank account and the same will be considered on its own merits and in accordance with law.



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7. This Criminal Original Petition is disposed off.

02.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Inspector of Police,
EDF-II, Team III,
Central Crime Branch,
Vepery, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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