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CrI.O.P. No.15517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.15517 of 2023

and

CrI.M.P.No.9637 of 2023

M/s.East Coast Steel Limited
Represented through its
Chairman and Director of
Mr.Prithviraj @ Bharat Parikh
Having registered office at
Flat No.A-123, Royal Den Apartments,
No.16, Arul Theson Street,
Palaniraja Udayar Nagar,
Lawspet, Puducherry – 605 008.

...Petitioner

Vs

- 1.State represented by
The Inspector of Police,
CBCID Police Station,
Puducherry – 605 005.
- 2.The Branch Manager,
HDFC Bank Ltd.,
Churchgate Industry House Branch,
Ground Floor, Industry House,
Opposite Ramon House,
159, H T Parekh Marg Churchgate,
Mumbai – 400 020.



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3.Suresh Kumar Jalan,
C/o Servo Packaging Limited,
88/1, Pondy Cuddalore Main Road,
Manapet Post, Kattukuppam,
Puducherry – 607 402.

... 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 Account No.05012320005064 of the petitioner in the 2nd respondent Bank passed by Notice No.478/CBCID/OW/2023 dated 02.06.2023 issued by the 1st respondent to the 2nd respondent in respect of F.I.R. No.6 of 2023 pending on the file of the 1st respondent and direct the 2nd respondent to permit the petitioner to operate their bank accounts.

For Petitioner : Mr.R.Sankaranarayanan, Senior Counsel
for Mr.N.P.Vijay Kumar

For Respondent-1 : Mr.K.S.Mohandass
Public Prosecutor (Pondy)

ORDER

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

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



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3. Based on the complaint given by the third respondent, the first respondent has registered an F.I.R. in Crime No.6 of 2023 and the investigation is pending. The F.I.R. has been put to challenge before this Court in Crl.O.P.No.13850 of 2023 and the said petition was entertained and an interim order was passed by this Court on 20.06.2023 directing the respondent police to proceed with the investigation but however, the respondent police was directed to defer the filing of the final report.

4. In the course of investigation, the first respondent had proceeded to freeze the bank account of the petitioner that was maintained before the second respondent. This happened on 02.06.2023. The grievance of the petitioner is that such an action was taken by the first respondent pursuant to a notice issued under Section 91 of Cr.P.C. and that the mandate under Section 102 of Cr.P.C. was not even followed. Aggrieved by the same, this Criminal Original Petition has been filed before this Court.

5. Learned Additional Public Prosecutor appearing on behalf of the first respondent produced the written instructions received from the first



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respondent. On going through the same, it is seen that the entire written instructions deals with the materials that have been collected in the course of investigation and there is absolutely no indication that the freezing of the bank account was intimated to the concerned Magistrate Court as mandated under Section 102 of Cr.P.C.

6. In view of the above, the freezing of the bank count becomes illegal and has to be interfered by this Court. The issue involved in this case is squarely covered by the earlier order passed by this Court in Crl.O.P.No.14676 etc. of 2023 dated 03.07.2023.

7. In the light of the above discussion, the first respondent is directed to defreeze the bank account of the petitioner maintained before the second respondent Bank forthwith. If in the course of investigation, the first respondent wants to freeze the bank account, the first respondent has to necessarily comply with the mandate of Section 102 of Cr.P.C. failing which, freezing of bank account will become illegal.



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8. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

11.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rsi

To

1. The Inspector of Police,
CBCID Police Station,
Puducherry – 605 005.
2. The Public Prosecutor,
High Court, Madras.
3. The Public Prosecutor,
Pondicherry.



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N.ANAND VENKATESH, J

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