



Crl.O.P.No.21023 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21023 of 2022

D.Sivanantham

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
Central Crime Branch,
Coimbatore (Crime No 52/2018)
2. The Manager,
M/s. Federal Bank Ltd,
P.B.NO545, 21,
Variety Hall Road,
Coimbatore.
3. Rukmani, W/o. K.Manickam
4. M.Selvaraj
5. S.Sarojini
6. Meenachi



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7. Leelavathi
8. Rukmani, W/o.Latchumanan
9. Loganayaki
10. Palanisamy
11. Subramani
12. Muthusamy
13. Thangavel
14. Mani

... Respondents

(Respondents 3 to 14 are impleaded as per the order dated
07.03.2023 made in Crl.M.P.No.3273 of 2023)

Prayer : This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the First Respondent to De-freeze the petitioner's bank Account No: 10920200042866 maintained with Second Respondent in connection with the C.C.No.67/2021 pending on the file of Learned Judicial Magistrate-VII Court, Coimbatore.

For Petitioner	: Mr.R.Vivekanandan
For Respondents	: Mr.A.Damodaran Additional Public Prosecutor for 1 st respondent. Mr.S.Ranjith Kumar for R3 to R5



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ORDER

This petition has been filed for de-freezing the petitioner's bank account maintained with the 2nd respondent in connection with CC No.67 of 2021 pending on the file of the Judicial Magistrate -VII Court, Coimbatore.

2. Heard Mr.R.Vivekanandan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for 1st respondent and Mr.S.Ranjith Kumar, learned counsel for respondents 3 to 5.

3. The learned Additional Public Prosecutor on instructions submitted that the bank account of the petitioner was freezed in the year 2019 and the same was not immediately intimated to the concerned Magistrate Court as required under Section 102 of Cr.PC.



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4. In the light of the submissions made by the learned Additional Public Prosecutor, the freezing of the bank account is clearly unsustainable as per the settled law which requires that the investigation officer must report the freezing of the account to the concerned Magistrate at the earliest point of time. That apart, Section 105 E (ii) of Cr.PC also makes it clear that if the magistrate does not confirm the freezing of account within a period of 30 days, the very freezing of the bank account stands vitiated.

5. The learned counsel for the petitioner also brought to the notice of this Court the fact that entire amount has been settled by the petitioner and to substantiate the same, the proceedings that took place before the Disciplinary committee of the Bar council of India was also placed before this Court.



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6. In view of the above, this Criminal Original petition is allowed and there shall be a direction to the 1st respondent to immediately restore the bank account of the petitioner maintained with the 2nd respondent bank. No costs.

04.07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order



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To

- 1 The State Represented by
The Inspector of Police,
Central Crime Branch,
Coimbatore (Crime No 52/2018)

2. The Manager,
M/s. Federal Bank Ltd,
P.B.NO545, 21,
Veriety Hall Road,
Coimbatore.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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