



W.P.No.25076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25076 of 2023
and W.M.P.Nos.24504 and 24505 of 2023

Unidex Labs Pvt. Ltd.,
Through (Authorized Representative)
Sanser Pal Singh .. Petitioner

Versus

1. State of Tamil Nadu
Rep. by Inspector of Police,
G1 - Town Police Station,
Udhagamandalam, The Nilgiris.
2. Mehul Shantilal Shah
3. Branch Manager, DBS Bank,
Somajigada Branch,
Hyderabad.
4. Branch Manager, INDUSIND Bank,
At:6, Nanjappa Rao Building,
Bedford, Coonoor - 643 101.
5. The Inspector of Police,
Cyber Crime,
Udhagamandalam,
Nilgiris district. ..Respondents

*R5 is suo-motto impleaded vide order, dated 30.08.2023



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in W.P.No.25076 of 2023

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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus (a) directing the respondent No.1 and respondent No.3, to defreeze the bank account of the petitioner i.e., DBS Bank, Somajigada Branch, Hyderabad with is account bearing No.:- A/c.856210078205 and (b) direct the respondent Nos.3 and 4 to reverse the transaction, dated 03.08.2023 of Rs.92,77,839/- into the bank account of the petitioner and consequently, direct the respondent No.4 to immediately freeze the bank account of the respondent No.2 i.e., INDUSIND Bank account bearing Number:159843138684 of the account holder namely Mehul Shah having IFSC:INDB0000182 and connected accounts where the concerned money might have travelled by way of further transfers by Mehul Shah.

For Petitioner : Mr.Gyanendera Mishra

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1 and R5

ORDER

The Inspector of Police, Cyber Crime, Udhagamandalam, Nilgiris district is suo-motto added as the fifth respondent in this Writ Petition.



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2. This Writ Petition has been filed for a direction to the respondent Police to defreeze the bank account maintained by the petitioner in the third respondent bank.

3. When the Writ Petition came up for hearing on 25.08.2023, this Court directed the learned Additional Public Prosecutor to take instructions and posted the matter for hearing today.

4. Heard Mr.Gyanendra Mishra, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent and the fifth respondent.

5. The learned Additional Public Prosecutor, on instructions, submitted that the bank account was freezed by the impleaded fifth respondent on 26.11.2022 in the course of investigation in Crime No.26 of 2022 and the same was intimated to the jurisdictional Magistrate Court only on 12.12.2022.



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6. In the light of the above submission, it is clear that after the bank account was freezed by the fifth respondent Police, it was not immediately intimated to the jurisdictional Magistrate as mandated under Section 102 of Cr.P.C. Hence, the very freezing of the account is illegal and the law on this issue is too well settled.

7. In view of the above, there shall be a direction to the impleaded fifth respondent Police to defreeze the bank account of the petitioner maintained in the third respondent bank forthwith. If the impleaded fifth respondent Police wants to freeze the bank account of the petitioner in the course of the investigation, it can be done only by following the mandate under Section 102 of Cr.P.C.

8. This Writ Petition is allowed in the terms. No costs.
Consequently, connected miscellaneous petitions are closed.

30.08.2023
(2/2)

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



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- To
1. The Inspector of Police,
G1 - Town Police Station,
Udhagamandalam, The Nilgiris.
 2. The Inspector of Police,
Cyber Crime,
Udhagamandalam,
Nilgiris district.
 3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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and W.M.P.Nos.24504 and 24505 of 2023

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