



W.P.No.24891 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.24891 of 2023
and W.M.P.Nos.24325, 24326 and 24327 of 2023

Shawk 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. Branch Manager, HSBC Bank,
Somajigada Branch, Hyderabad - 500 082.
6. Branch Manager, RBCL Bank,
Madhapur Branch, Madhapur - 500 081.



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7. The Inspector of Police,
Cyber Crime,
Udhagamandalam,
Nilgiris district.

..Respondents

*R7 is suo-motto impleaded vide order, dated 30.08.2023
in W.P.No.24891 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent No.1 and respondent No.5, to defreeze the bank accounts of the petitioner i.e., A/c bearing No.082745183001, HSBC Bank, Somajiguda Branch, Hyderabad and respondent No.1 and respondent No.6, to defreeze the bank accounts of the petitioner i.e., A/c bearing No.409001833936, RBL Bank, Madhapur Branch, Madhapur - 500 081, Ground Floor, MSR Block, Hyderabad, Telangana, India and direct the respondent No.4 to 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.

For Petitioner : Mr.Gyanendera Mishra

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1 and R7

ORDER



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

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 respondents 5 and 6 banks.

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 seventh respondent.

5. The learned Additional Public Prosecutor, on instructions, submitted that the bank account was freezed by the impleaded seventh respondent on 26.11.2022 in the course of investigation in Crime No.26 of



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2022 and the same was intimated to the jurisdictional Magistrate Court only on 12.12.2022.

6. In the light of the above submission, it is clear that after the bank account was freezed by the seventh 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 seventh respondent Police to defreeze the bank account of the petitioner maintained in the respondents 5 and 6 banks forthwith. If the impleaded seventh 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.



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

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.24325, 24326 and 24327 of 2023

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