



WEB COPY



Crl.OP.Nos.26083 and 26085 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.Nos.26083 and 26085 of 2022

Crl.O.P.No.26083 of 2022:-

Vignesh Natarajan

Vs.

... Petitioner

1.The State represented by
The Inspector of Police,
F3-Nungambakkam Police Station,
Chennai 600 034.
(Crime No.285 of 2022)

2.The Branch Manager,
HSBC Bank,
Cathedral Branch,
“Rajalakshmi Towers”,
No.5 & 7, Cathedral Road,
Chennai – 600 086.

3.Prasath Varadarajan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents herein to de-freeze the account of the petitioner bearing No.042584243001 maintained with the 2nd respondent bank.

1/8



Crl.OP.Nos.26083 and 26085 of 2022

For Petitioner : Mr.G.Kalyan Jhabakh
for M/s.Surana and Surana

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R-2 : M/s.R & P Partners

For R-3 : Mr.E.K.Kumaraesan

Crl.O.P.No.26085 of 2022:-

Vignesh Natarajan

Vs.

... Petitioner

1.The State represented by
The Inspector of Police,
F3-Nungambakkam Police Station,
Chennai 600 034.
(Crime No.285 of 2022)

2.The Branch Manager,
HDFC Bank,
ITC Centre - Anna Salai Branch,
759, ITC Centre,
Anna Salai,
Chennai – 600 086.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents herein to de-freeze the account of the petitioner bearing No.0048640000175 maintained with the 2nd respondent bank.



Crl.OP.Nos.26083 and 26085 of 2022

For Petitioner : Mr.G.Kalyan Jhabakh
for M/s.Surana and Surana

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

COMMON ORDER

The Criminal Original Petitions are filed for directing the respondents herein to de-freeze the account of the petitioner bearing Account Nos.042584243001 and 0048640000175 maintained with the 2nd respondent bank.

2. The learned counsel for the petitioner submitted that petitioner namely Vignesh Natarajan is the 2nd accused in Crime No.285 of 2022 registered for the offence under Sections 465, 467, 468 and 471 of IPC and 66 C of Information Technology Act, 2000 in Nungambakkam Police Station.

3. This case was registered on the basis of the complaint given by one Prasath Varadarajan, making allegation that petitioner/co-accused misused the digital signature of the said Prasath Varadarajan and caused huge loss to



Crl.OP.Nos.26083 and 26085 of 2022

M/s.Cargo International (India) Private Limited to the tune of Rs.14,81,780/-.

Therefore, on the basis of the requisition sent by the Investigating Officer, petitioner's Account Nos.042584243001 and 0048640000175 of HSBC Bank and HDFC Bank respectively were frozen. The learned counsel for the petitioner further submitted that petitioner is the present director of M/s.Cargo International (India) Private Limited. The accounts are running accounts and they have to use the funds in the accounts, for the smooth conduct of the business. The petitioner is prepared to deposit a sum of Rs.14,81,780/- in learned XIV Metropolitan Magistrate, Egmore, Chennai to show his bonafide. Thus, the learned counsel for the petitioner prayed for defreezing both the accounts.

4. The learned counsel appearing for the defacto complainant opposed these petitions, on the ground that amounts involved is more than what was stated in the First Information Report i.e., Rs.14,81,780/-. Therefore, he opposed these petitions and prayed for dismissal.



Crl.OP.Nos.26083 and 26085 of 2022

5. This matter is posted today, specifically for filing counter of the defacto complainant. However, no counter is filed. Without filing counter and without specifically informing about the amount that the petitioner alleged to have misappropriated, the defacto complainant is making objections without any substance.

6. The learned Government Advocate (Criminal Side) also opposed these petitions, stating that these accounts were freezed, in pursuance of the Order passed under Section 102 CrPc, for the reason that the amounts involved is proceeds of crime.

7. Considered the rival submissions of the parties and perused the records filed in support of the petitions.

8. Without going into the merits i.e., the allegation of misappropriation, this Court, on considering the offer made by the learned counsel for the petitioner that the petitioner is prepared to deposit a sum of Rs.14,81,780/- in Crime No.285 of 2022 before learned XIV Metropolitan Magistrate, Egmore, Chennai and also considering the submission made by the learned counsel for



Crl.OP.Nos.26083 and 26085 of 2022

the petitioner that the First Information Report was registered against the defacto complainant and others for misappropriating Rs.6,53,96,555/-/- in Crime No.229 of 2022 for the offence under Sections 408, 420, 477A and 120B of IPC, directs the petitioner to deposit a sum of Rs.14,81,780/- by way of Fixed Deposit drawn in a Nationalised Bank and deposit the Fixed Deposit Receipt in Crime No.285 of 2022, pending on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai. On such deposit, the respondent police is directed to issue instructions for de-freezing the Account Nos.042584243001 and 0048640000175 of the petitioner to the concerned Bank.

9. Accordingly, the Criminal Original Petitions are disposed of, with the aforesaid directions.

05.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

gd

Note: Issue order copy on 09.01.2023.

To

1.The XIV Metropolitan Magistrate,

6/8



Crl.OP.Nos.26083 and 26085 of 2022

Egmore,
Chennai.

WEB COPY

2.The Inspector of Police,
F3-Nungambakkam Police Station,
Chennai 600 034.
(Crime No.285 of 2022)

3.The Branch Manager,
HSBC Bank,
Cathedral Branch,
“Rajalakshmi Towers”,
No.5 & 7, Cathedral Road,
Chennai – 600 086.

4.The Branch Manager,
HDFC Bank,
ITC Centre - Anna Salai Branch,
759, ITC Centre,
Anna Salai,
Chennai – 600 086.

5.The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.



WEB COPY



Crl.OP.Nos.26083 and 26085 of 2022

gd

Crl.OP.Nos.26083 and 26085 of 2022

05.01.2023