IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.22793 of 2023

Amandeep Singh ... Petitioner

Vs.

1.State Represented by
Inspector of Cyber Crime Police Station,
Coimbatore Central,
Coimbatore-641 001.

2.AU Small Finance Bank,
Plot 12, Eastern Part,
Dhanmandi,
Near HDFC Bank,
Hanuman Garh Road,
Rawatsar,
Rajasthan – 335 524. ... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to de-freeze the petitioner's Bank Account No.2302228650977599 maintained with the second respondent.

For Petitioner : Ms.S.Harinyi

For Respondent-1 : Mr.S.Udaya Kumar,
Government Advocate
(Criminal Side).

ORDER

The petitioner herein, being aggrieved by freezing his Bank Account, is before this Court on the ground that freezing of Bank Account of the petitioner was not done in accordance with law and further a sum of Rs.1,64,999.64, which was withheld and later found to be released. But however, the petitioner is not permitted operate the Bank Account.

2. The learned Government Advocate (Criminal Side) submitted that the offence of Online Fraud is under investigation.

3. Pursuant to the course of investigation, the Bank Account of the petitioner had been freezed, since the money was suspected to be the proceeds of the agreement. On completion of investigation, the Investigation Officer will arrive at a decision as to whether this money is to

be forfeited or to be released.

4. The case of this nature, the money transacted through the Bank got transferred from one account to another account to erase the trail of money.

5. For instance, in the present case, the learned Government Advocate (Criminal Side) states that the money paid by the gullible persons from their Bank Accounts had been transferred to five different Bank Accounts in five different Banks and out of which the freezed account of the petitioner is at the fifth stage of erasing trail.

6. Considering the gravity of the offence and prima facie material available with the respondent-police, indicates that the money in the freezed account is the part of the money cheated from the defacto complainant.

7. At the end of the investigation, the Investigation Officer may have an opinion of forfeiting the seizure and forfeiture of the money being

the proceeds of agreement and at this stage, no conclusion can be arrived about the ownership of the money and therefore, the prayer to de-freeze the Bank Account of the petitioner by allowing him to draw money will go against the investigation and meaningful trial. Hence, this Criminal Original Petition is dismissed.

12-10-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The Inspector of Cyber Crime Police Station,
Coimbatore Central,
Coimbatore-641 001.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

DR.G.JAYACHANDRAN, J.

Svn

Crl. OP 22793 of 2023

12-10-2023