IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22376 of 2023

M/s.Amit Tex,
Represented by its Propx
Rukmani Tahawani,
H-588-89, Ground Floor,
Radha Krishna Textiles Market,
Ring Road, Surat-2,
Gujarat State. ... Petitioner

Vs.

1.The Inspector of Police,
Cyber Crime Police Station,
Puducherry.

2.The Manager,
Axis Bank Ltd.,
Shop No.G18, Kohinoor Textile Houses,
CS No.2157A, 2158A2A, 2158AID,
2885C178, 2885C17A8
Ward No.3, Salarbatpura,
Surat, Gujarat State-395 002. ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to pass necessary orders directing the first respondent to de-freeze the account of the petitioner, viz., Account No.921030004351811 with the second respondent.

For Petitioner : Mr.Praksh Goklaney

For Respondents : Mr.M.V.Ramachandramurthy
Asst.by
Mr.M.Tahmizh Mani

ORDER

The petitioner herein is an account holder in Axis bank bearing Account No.921030004351811. She claims to be a Trader of sarees located at Gujarat. Her grievance is that in Crime No.17 of 2023 on the file of Ciber Crime police station, Puducherry, the Investigating Officer had traced a part of the alleged defrauded money was deposited in her account, precisely a sum of Rs.2,96,611/-. The transfer to her account was done by one Vinod Saree Center, Khalilabad and from the information given by Vinod Saree Center, it appears to be the online fraud, master minded by some Nigerians collecting money from the gullible persons offering lucrative instance been spread to 13 accounts and from 13 accounts subsequently had diverted to the other accounts either as cash or for purchase of goods, which ultimately been transported

2. According to the prosecution, they suspect that the money flow to the account of the petitioner herein is part of the fraudulent scheme.

Whereas the learned counsel appearing for the petitioner submits that for the goods sold and delivered, the petitioner has received Rs.2,96,611/- from Vinod Saree Center, Khalilabad.

3. This Court finds that the entire account of the petitioner been freezed at the instance of the respondent police. Till date, they have not able to proceed to ascertain whether the money transferred to the account of the petitioner is pursuant to the genuine pay transaction or as a part of the fraudulent scheme revised by some unknown Nigerian. In any event the petitioner has right to operate her account and freezing the account without any progress in the investigation is contrary to her right.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that they have summoned the petitioner for enquiry, but she has not co-operated in the enquiry.

5. In the said circumstances, the following directions are issued to the respondent that the respondent police shall inform the Axis bank to partially defreeze the account for an extend of Rs.2,96,611/-, which they

Dr.G.JAYACHANDRAN,J.

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suspect to be the part of the crime. The petitioner or her representative who is aware of the business transaction of the petitioner concern M/s.Amit Tex shall appear on summons before the respondent police with all particulars and explain about the suspected transaction and if the respondent satisfied with the explanation shall intimate the bank to defreeze the account in entirety. Two months time for compliance of the order is granted.

6. With the above directions, this Criminal Original Petition is disposed of.

19.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1.The Inspector of Police,
Cyber Crime Police Station,
Puducherry.

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

Crl.O.P.No.22376 of 2023