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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.28244 of 2022

Subbu @ Sumathi

Petitioner

vs.

1.State rep. by
The Inspector of Police,
Cyber Crime Cell, Central Crime Branch,
Veppery, Chennai – 600 007.
(Crime No.325 of 2020)

2.The Manager,
Indian Overseas Bank,
Tirunelveli Junction Branch (0570),
Madurai Road,
Tirunelveli District.

3.The Manager,
Indian Bank,
Palayamkottai Branch (352),
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to defreeze the Saving Bank Accounts of the petitioner bearing A/c No.139701000019108 maintained with



(0570), Madurai Raod, Thirunelveli district and A/c No.607553649

maintained with 3rd respondent viz. Indian Bank, Palayamkottai Branch (352), Thiruvananthapuram Road, Palayamkottai, Thirunelveli District frozen in Crime No.325/2020 on the file of the 1st respondent police and thus render justice.

For Petitioner : Mr.A.Balamurugan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This petition has been filed for a direction to the 1st respondent to defreeze the bank accounts maintained by the petitioner before the 2nd and 3rd respondent Banks.

2.The petitioner was arrayed as A3 in Crime No.325 of 2020. The grievance of the petitioner is that she was maintaining bank accounts before the Indian Overseas Bank, Tirunelveli Branch and Indian Bank, Palayamkottai Branch. According to the petitioner, the 1st respondent went ahead and freezed the bank accounts maintained by the petitioner in these two Banks. Aggrieved by the same, the present criminal original petition has been filed before this Court.



3. Heard Mr.A.Balamurugan, learned counsel appearing on behalf of the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent.

4. It is brought to the notice of this Court that insofar as Indian Overseas Bank is concerned, the Bank account was freezed on 21.04.2021. Regarding Indian Bank, the bank account was freezed on 29.01.2021. It was further submitted that after the Bank accounts were freezed, it was not intimated immediately before the concerned Magistrate Court as mandated under Section 102 of Cr.P.C.,

5. The learned Government Advocate appearing on behalf of the 1st respondent submitted that even if this Court finds that there has been non-compliance of the mandate under Section 102 of Cr.P.C., the petitioner can be directed to deposit the crime proceeds and thereafter, the petitioner can be permitted to operate the bank accounts. To substantiate the same, the learned Government Advocate also produced the earlier orders passed by this Court where such a direction was given in Crl.O.P.Nos.10260 to 10262 of 2014.

6. It is seen from records that the total amount that is involved in this case



is Rs.14,41,089/- . Out of this amount a sum of Rs.9,54,910/- was seized from

A1. The car belonging to A1 was also seized at the time of investigation and A1 had filed a petition for return of property. The learned Metropolitan Magistrate, Egmore had passed an order by imposing certain conditions for the release of the vehicle. Aggrieved by the same, A1 had filed CrI.R.C.No.620 of 2022 before this Court. This Court disposed of the Criminal Revision by an order dated 01.07.2022. On going through the order, it is seen that there was a direction to A1 to deposit the balance amount of Rs.4,86,180/- as a condition for the return of the vehicle and accordingly, this amount was also deposited by A1. Thereby, the entire amount that is involved in this case viz., Rs.14,41,089/- has been secured by the respondent police. In view of the same, it is not necessary for this Court to direct the petitioner to deposit the crime proceeds.

7. In the considered view of this Court, there has been a violation of the mandate prescribed under Section 102 of Cr.P.C., while the bank accounts of the petitioner were frozen by the respondent during the course of investigation. On this ground alone, the 1st respondent must be directed to defreeze the savings bank accounts of the petitioner that are maintained before the 2nd and 3rd respondent Banks. This shall be done immediately by the 1st respondent. If ultimately, the 1st respondent wants to freeze the bank accounts of the petitioner,



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the 1st respondent has to necessarily follow the mandate under Section 102 of

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8.This criminal original petition stands allowed in the above terms.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
SSR

To

- 1.The Inspector of Police,
Cyber Crime Cell, Central Crime Branch,
Veppery, Chennai – 600 007.
- 2.The Public Prosecutor, High Court, Madras.



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N. ANAND VENKATESH., J.

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