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Writ Petition No.30196of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

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THE HONOURABLE Dr.G. JAYACHANDRAN

Writ Petition No.30196 of 2023

A.Ramesh @ Kicha Ramesh

..Petitioner

vs.

1.The Assistant Commissioner of Police,
Vadapalani Range,
Vadapalani, Chennai-600 026.

2.The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai-600 026

3.HDFC Bank Limited,
rep. by its Manager,
Valasaravakkam Branch,
Plot no.8, Arcot Road,
Valasaravakkam, Chennai-600 087

4.Axis Bank Limited,
rep. by its Manager,
Virugambakkam Branch, Chennai-600 092

5.The Tamilnadu Mercantile Bank Limited,
rep. by its Manager,
Valasaravakkam Branch, Chennai-600 092.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Mandamus, to direct the first respondent to De-freeze the



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petitioner's (i) Savings Bank Account no.50100235799947 with the 3rd respondent Bank and (ii) Current Account no.912020063474666, Current Account no.922020012619912 (SRI SAI RAM ENTERPRISES) and Savings Bank Account no.912010061722777 with the 4th respondent Bank and (3)Current Account no.205150050800709(Sri Sai Ram Enterprises) with the 5th respondent Bank respectively and enable the petitioner to operate those Bank Accounts on his own, within the time frame as fixed by this Court.

For Petitioner : Mr.T.N.Rajagopalan for
E.Balamurugan

For Respondents :Mr.Leonard Arul Joseph Selvam,
GA(Crl.side) for RR1 & 2

ORDER

This writ petition has been filed seeking for issuance of a Mandamus, to direct the first respondent to de-freeze the petitioner's (i) Savings Bank Account no.50100235799947 with the 3rd respondent Bank and (ii) Current Account no.912020063474666, Current Account no.922020012619912 (SRI SAI RAM ENTERPRISES) and Savings Bank Account no.912010061722777 with the 4th respondent Bank and (iii)Current Account no.205150050800709(Sri Sai Ram Enterprises) with the 5th respondent Bank respectively and enable the petitioner to operate those Bank Accounts on his own, within the time frame as fixed by this Court.



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WEB COPY 2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing the respondents 1 & 2.

3.The Bank accounts of the petitioner herein, who is arrayed as accused in crime no.92 of 2022 on the file of the respondent police is before this Court, pointing out that the procedure for freezing the bank accounts was not duly followed by the Enquiry Officer and even after the order of de-freezer passed more than six months ago, the Enquiry Officer has not taken any decision regarding the de-freeze of the accounts and even in the final report, there was no whisper about the freezer of the accounts.

4.The learned Government Advocate (crl.side) submits that when a question put forth to the respondent as to what kind of accounts were freezed and when it was not reported to the Magistrate and when the final report was filed etc., there is no answer forthcoming. Apparently, the communication to freeze the accounts is not in consonance with Section 102 of Cr.PC or any other provisions of law. Therefore, the order of freezing the accounts of the petitioner is liable to be quashed. Accordingly, the same is



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hereby quashed. Consequently, the first respondent is directed to de-freeze the petitioner's (i) Savings Bank Account no.50100235799947 with the 3rd respondent Bank and (ii) Current Account no.912020063474666, Current Account no.922020012619912 (SRI SAI RAM ENTERPRISES) and Savings Bank Account no.912010061722777 with the 4th respondent Bank and (iii) Current Account no.205150050800709(Sri Sai Ram Enterprises) with the 5th respondent Bank respectively.

01.12.2023

Index : Yes/No
Speaking order: Yes/No
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To

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Dr.G. JAYACHANDRAN, J



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