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Crl.O.P.No.29519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29519 of 2022

Mr.Amaladas Rajesh,
S/o.Mr.V.G.Santhosam,
No.14, Majestic Colony,
Anna Nagar
Chennai – 600040.

... Petitioner

Vs.

1.The State Rep by
The Inspector of Police
CB-CID North-Kancheepuram
Kancheepuram District
(Cr.No.5 of 2021)

2.The Branch Manager,
Yes Bank Limited,
Mogappair Branch,
412, Ground Floor,
Thiruvalluvar Salai,
Paneer Nagar Main Road,
Mogappair East,
Chennai – 600 037.

... Respondents



CrI.O.P.No.29519 of 2022

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to defreeze savings bank account No.062853100000169, being maintained with the 2nd respondent bank / Yes Bank Limited, Mogappair Branch, which was frozen by the 1st respondent in Crime No.5 of 2021, consequently direct the 2nd respondent bank to permit the petitioner to operate his account.

For Petitioner : Mr.M.Palanivel

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to defreeze the savings bank account No.062853100000169 of the petitioner, being maintained with the 2nd respondent bank / Yes Bank Limited, Mogappair Branch, and to direct the 2nd respondent to permit the petitioner to operate his account.

2. The learned counsel for the petitioner submitted that on the basis of the complaint given by the Revenue Divisional Officer, Kancheepuram District, a case has been registered in Crime No.5 of 2021 against



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petitioner and 6 others for the offences under Sections 465, 468, 471 and 420 of IPC. During the course of investigation, the account of petitioner has been frozen by the first respondent, due to which, petitioner is unable to do business transactions and facing difficulty to carry out the day to day business. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl.side) opposed this petition on the ground that petitioner is the A1 in this case. The issue in the complaint is that the Government lands were sold by the accused to the private persons by creating forged and fabricated documents. The petitioner's account is connected with this case, therefore, the aforesaid account was frozen.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.

5. This Court, on going through the typed set of papers filed by the petitioner, finds that only a sum of Rs.7,398.94 is available in the account



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of the petitioner. The reason stated by the learned Government Advocate (Crl.side) to freeze the account of the petitioner is that the alleged cheated amount was deposited in the account of the petitioner.

6. In the light of the submission made by the learned Government Advocate (Crl.side), this Court is of the opinion that the suspected banking transaction can be proved by producing the bank statement of the petitioner's account. No purpose would be served by freezing the account, which has only a sum of Rs.Rs.7,398.94. Therefore, without going into the merits of this case, this Court directs the first respondent to de-freeze the savings bank account No.062853100000169 of the petitioner.

7. With the above direction, this Criminal Original Petition stands disposed of.

18.04.2023

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

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The Inspector of Police
CB-CID North-Kancheepuram
Kancheepuram District
(Cr.No.5 of 2021)
- 2.The Branch Manager,
Yes Bank Limited,
Mogappair Branch,
412, Ground Floor,
Thiruvalluvar Salai,
Paneer Nagar Main Road,
Mogappair East,
Chennai – 600 037.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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