



Crl.O.P.No.30919 of 2022

In the High Court of Judicature at Madras

Dated : 04.7.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.30919 of 2022

A.Janakiraman

...Petitioner

Vs

1.The State by the Inspector
of Police, District Crime
Branch (DCB), Cuddalore.
Avadi Range, Chennai.

2.The Manager, ICICI Bank,
No.2/407, Mount Poonamallee
Road, Pushpa Nagar,
Iyyapanthangal, Chennai-56.

...Respondents

PETITION under Section 482 of the Criminal Procedure Code
praying to direct the respondent to de-freeze the account of the
petitioner in S.B.A/c.No.269901505346 at ICICI Bank,
Ayyappanthangal Branch in Chennai relating to Cr.No.25 of 2020 on
the file of the first respondent Police.

For Petitioner : Mr.S.Senthilvel
For Respondent-1: Mr.A.Gopinath,
Government Advocate (Crl.Side)



Crl.O.P.No.30919 of 2022

ORDER

WEB COPY

This is a petition filed by the petitioner seeking a direction to the first respondent to de-freeze the account maintained by the petitioner before the second respondent - bank.

2. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The grievance of the petitioner is that the first respondent, during the course of investigation in Cr.No.25 of 2020, had freezed the account maintained by the petitioner before the second respondent bank without complying with the mandatory requirements under Section 102 of the Criminal Procedure Code (for short, the Code). Aggrieved by the same, the above petition has been filed before this Court seeking to direct the first respondent to de-freeze the bank account of the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent, on instructions, has submitted that the bank



Crl.O.P.No.30919 of 2022

account of the petitioner was freezed on 07.11.2020 and that the information was given to the concerned Magistrate only on 12.3.2021.

5. In the considered view of this Court, Section 102 of the Code mandates that the officer, who is conducting the investigation, must report regarding the freezing of the bank account to the concerned Magistrate at the earliest possible time. When there is a delay in it, that, by itself, will be a ground for de-freezing the bank account.

6. In this case, there is a delay of nearly four months in intimating the Magistrate concerned. Hence, that, by itself, will make the freezing of the bank account illegal for non compliance of the mandatory provisions under Section 102 of the Code.

7. In the light of the above discussions, there shall be a direction to the first respondent to immediately de-freeze the bank account of the petitioner maintained before the second respondent. During the course of investigation, if the first respondent takes a decision to freeze the bank account of the petitioner, it shall be done only in line with the mandate prescribed under the Code.



Crl.O.P.No.30919 of 2022

8. The above criminal original petition is allowed in the above terms.

04.7.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No

To

- 1.The State by the Inspector
of Police, District Crime
Branch (DCB), Cuddalore.
Avadi Range, Chennai.
- 2.The Manager, ICICI Bank,
No.2/407, Mount Poonamallee
Road, Pushpa Nagar,
Iyyapanthangal, Chennai-56.
- 3.The Public Prosecutor,
High Court, Madras.

RS



WEB COPY



Crl.O.P.No.30919 of 2022

N.ANAND VENKATESH,J

RS

Crl.O.P.No.30919 of 2022

04.7.2023



Crl.O.P.No.30919 of 2022

Crl.O.P.No.30919 of 2022

N.ANAND VENKATESH, J.

Today this matter is listed under the caption 'for being mentioned' on the ground that the name of the 1st respondent in the order dated 04.07.2023 in the cause title in Crl.O.P.No.30919 of 2022 had been wrongly typed as The State by the Inspector of Police, District Crime Branch (DCB), Cuddalore. Avadi Range, Chennai., instead of State Inspector of Police, District Crime Branch (DCB), Cuddalore.

2.The name of the 1st respondent in the order dated 04.07.2023 in Crl.O.P.No.30919 of 2022 in the cause title shall read as **“State Inspector of Police, District Crime Branch (DCB), Cuddalore.”**

3.The Registry is directed to carry out the amendment and issue fresh order copy.

16.04.2024