



W.P(MD)No.5813 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5813 of 2023

Dr.T.S.Ambujam

... Petitioner

Vs.

1.The Branch Manager
State Bank of India,
Perumalpuram Branch,
Tirunelveli District.

2.The Inspector of Police
CCD - III Police Station,
Tirunelveli City,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to reverse the amount of Rs.7,19,021/- which was frozen by the first respondent on account of fraudulent transactions taken place in



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petitioner's savings bank account number A/c.No.39896377161 by considering the petitioner's representation, dated 25.02.2023.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.J.Alaguram Jothi - for R1
Standing Counsel

Mr.R.Siva Kumar - for R2
Government Advocate (Criminal side)

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the first respondent / Branch Manager, State Bank of India, Perumalpuram Branch, Tirunelveli District, to reverse the amount of Rs.7,19,021/- (Rupees Seven Lakhs Nineteen Thousand and Twenty One only) which was according to the petitioner, frozen by the first respondent consequent to a transaction which had taken place in the savings bank account of the petitioner bearing Savings Bank Account No.39896377161. The petitioner had given a representation, dated 25.02.2023.



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2. The petitioner, a Doctor at Tirunelveli District, is a victim of online fraud, whereby, placing trust in a message which resembled that as if sent by a Bank official, had disclosed her Know Your Customer details. She had given her bank user name and password and immediately, thereafter, by way of three separate transactions a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), a sum of Rs.1,93,998/- (Rupees One Lakh Ninety Three Thousand Nine Hundred and Ninety Eight only) and another sum of Rs.5,00,023/- (Rupees Five Lakhs and Twenty Three only) had been debited from her savings bank account. She had given a complaint for these fraudulent transactions.

3. The learned Government Advocate (Criminal side) stated that consequent to the complaint of the petitioner, they had also registered FIR in Crime No.2 of 2023 on 06.02.2023 for the offence under Sections 420 IPC, 66(C) and 66(D) of Information Technology (Amendment) Act, 2008. It is stated that they have identified the names of the accused who are in West Bengal and also identified the accounts to which the amount had been transferred. Those accounts have been frozen, since the investigation is on going.



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4. The petitioner now wants those accounts to be defrozen and the amount of Rs.7,19,021/- (Rupees Seven Lakhs Nineteen Thousand and Twenty One only) which had been debited from the account of the petitioner to be handed back to the petitioner herein. At this stage, that is not possible. After investigation, the spoils of the crime will have to be deposited in the concerned Judicial Magistrate Court and the petitioner will have to necessarily file an application for return of the amount through the Magistrate Court where the FIR had been lodged. It is also stated that the FIR had been lodged before the Judicial Magistrate No.I, Tirunelveli. Investigation is in progress.

5. I am confident that it would end by securing the accused and also securing the amounts involved. Let investigation proceed in the manner known to law.

6. At the relevant point of time, I am confident that the petitioner will be able to get back the amount which she had lost owing to online fraud. But at this stage, the Court cannot come to her rescue.



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7. The writ petition is therefore, disposed of with a direction to the second respondent to proceed further with the investigation and ensure that the final report is filed at the earliest. No costs.

17.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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To

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C.V.KARTHIKEYAN, J.

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