



Crl.O.P.(MD)No.12793 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12793 of 2023

Adham Malik

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

3.The Bank Manager,
State Bank of India,
Muthupet Branch,
Muthupet,
Thiruvarur District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent to defreeze the petitioner's bank account No.20228042692 on the file of the third respondent based on the representation of the petitioner dated 12.06.2023 and to take necessary action within the time stipulated by this Court.



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For Petitioner : Mr.R.Prasanna

For R1 & R2 : Mr.S.S.Madhavan
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the second respondent to defreeze the petitioner's bank account No. 20228042692 on the file of the third respondent Bank.

2. It is submitted by the learned counsel appearing for the petitioner that the respondents Police have apprehended the accused No.1 and seized 34 gms of narcotic drugs from the possession of A1 and the petitioner was also arrested by the respondents Police on the ground that he was present at the scene of occurrence, even though no contraband is seized from the possession of the petitioner. The respondents Police have registered a case in Crime No.53 of 2023 against the petitioner and others for the offence punishable under Sections 8(c), 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, 12(1) (c) of Passport Act, 1967 and Section 14 of Foreigners Act and Section 489(C) of IPC. It is further submitted that the bank account of the



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petitioner was freezed by the Police and on account of freezing of the account, the petitioner is not in a position to borrow loan from the Bank.

3. The learned Government Advocate (criminal side) appearing for the respondents 1 and 2 Police submits that the investigation is in progress and drugs were sent to the Laboratory and the report is awaited and soon after the receipt of the report from the Laboratory, the respondents Police will complete the investigation and file the charge sheet. It is submitted that in case the account of the petitioner is defreezed, the petitioner again will indulge in purchase of narcotic drugs by sending money through his bank account.

4. The truth or otherwise the contentions of the petitioner as well as the respondents will come to light after completion of investigation. Though it is stated by the learned counsel appearing for the petitioner that there is substantial amount in the bank account belonging to the petitioner, unless the investigation is completed, the request of the petitioner to defreeze the account cannot be considered. The respondents Police are expected to complete the investigation and file the charge



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sheet as expeditiously as possible. After filing of the charge sheet, the petitioner is at liberty to approach the trial Court seeking for defreezing of his bank account.

5. Accordingly, this Criminal Original Petition is disposed of.

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

3.The Bank Manager,
State Bank of India,

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Muthupet Branch,
Muthupet,
Thiruvavarur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

ssb

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