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CrI.O.P.(MD)No.23879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04/10/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

WP (MD) No. 23879 of 2023

Play Games 24 X 7 Private Limited
A Company incorporated under
the Companies Act, 1956
Having its Regd. Office at
5th Floor, Central Wing (B),
Tower-4, Nesco IT Park,
Nesco Centre, Western Express Highways,
Goregaon (E), Mumbai-400 063.
Through its Authorised Representative
Mr.Prabhu Vijayakumar,
Power of Attorney Holder of
Mr.Bhavin Pandya : Petitioner

Vs.

- 1.Additional Superintendent of Police,
Cyber Crime Wing,
District Police Office,
Subramaniapuram,
Tiruchirapalli-620 020.
- 2.Axis Bank Limited,
A Company registered under the
Companies Act, 1956
With office at
Axis House, C-2, Wadia International Centre,
Pandurang Budhkar Marg,
Worli, Mumbai-400 025.

also having office at:
Ground Floor,
CETTM (MTNL)
Technology Street,
Hiranandani Gardens,
Powai,
Mumbai-400076
represented by its Manager : Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to de-freeze the Current Account of the petitioner bearing Number: 923020011256210 maintained with the 2nd respondent Bank, and pass such further or other orders.

For Petitioner : Mr.C.Mani Shankar
Senior Counsel
for Mr.R.Bharadwajasubramaniam

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This writ petition is filed seeking direction to the 1st respondent to de-freeze the Current Account of the petitioner bearing Number:923020011256210 maintained with the 2nd respondent Bank.

2.The facts in brief:-

Problem started in this way. The de-facto complainant one Mr.Vikash lodged a complaint with the Cyber Crime Wing, Subramaniapuram, Trichy, stating that on seeing online advertisement of selling mobile phones, he ordered and periodically, sending money to the Bank Account mentioned in the above said online information. After payment of Rs.8,475/-, the mobile phone was not delivered to him. The Instagram Account of the de-facto



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complainant was also blocked by the accused person in the Instagram Mobile App. Seeking recovery of the above said amount and taking action against the accused person, the complaint has been given.

3.During the course of investigation, it was found that one Manish Kumar Sankhala is involved, in whose account, the money was transferred. He was also identified and the Adhar Card of the accused has also been secured. The money has been transferred in this way. The original link shows the UCO Bank Account. From UCO Bank Account through Paytm, it was transferred to Indian Bank Account and in-turn transferred to the account of this petitioner maintained with the 2nd respondent Bank. On coming to know that this petitioner's Account has been used by the accused for the purpose of transferring amount, the account was freezed.

4.Now seeking de-freezement of the account, a detailed representation was made by the petitioner to the competent authority and also request was made to de-freeze the account promising to maintain the disputed amount of Rs.8,475/- in the account. Since no proper reply has been received from the competent authority, this writ petition has been filed.



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5.On a query made by this court, the learned Senior Counsel appearing for the petitioner would submit that the account, which is now under freezement is maintained by them in the course of their online gaming business for the purpose of transferring funds to the Winner; Each and every member is having valet and the amount will be deposited in the valet. Depending upon the out come of the game, money will be distributed or transferred to the winner. Even though, Fund Manager is appointed, they cannot have any control over the transfer of the money into their account. By utilizing the above said only, the present amount has been re-transferred to the present account by the accused. On coming to know about the notice, as mentioned above, they have sent a reply promising and undertaking to maintain the money.

6.Even though, the learned Additional Public Prosecutor would submit that more than several crores are involved in this matter, but perusal of the CD file does not indicate the above said submission. Only Rs.8,475/- has been transferred to the present account by the accused by employing dubious method, for which, the petitioner's Company cannot be held criminally responsible.



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7.On the sole ground, without going into the other aspect, that has been raised in the grounds as to the procedure adopted by the 1st respondent in freezing the account, this writ petition is **allowed** on condition that the petitioner must maintain the disputed amount of Rs.8,475/- in his Bank Account till the disposal of the case. The 1st respondent is directed to monitor the above said Account. Similarly, the 2nd respondent is also directed to monitor the transactions and see that the above said condition is complied by the petitioner.

8.Accordingly, this writ petition is **allowed** defreezing the account as indicated above. No costs.

04/10/2023

Index:Yes/No
Internet:Yes/No
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To,

1.Additional Superintendent of Police,
Cyber Crime Wing,
District Police Office,
Subramaniapuram,
Tiruchirapalli-620 020.

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



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G.ILANGOVAN, J

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