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Crl.O.P.No.383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.383 of 2024

G.Vignesh

S/o.Gubendiran

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Nallan Pillai Petral - Police Station,
Villupuram District.

2.Union Bank of India,
represented by Bank Manager,
Nallan Pillai Petral Branch,
Villupuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to defreeze the petitioner's bank account in Account No.034222010000360 in IFSC Code:UBIN0903426 of Union Bank, Nallan Pillai Petral, Gingee, Villupuram District/second respondent herein freezed by the first respondent police in Crime No.67 of 2022 and permit the petitioner to operate his account.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



Crl.O.P.No.383 of 2024

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ORDER

This petition has been filed for a direction to the first respondent to defreeze the bank account of the petitioner maintained with the second respondent bank.

2. Heard Mr.E.Sathiyaraj, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. The first respondent, in the course of investigation in Crime No.67 of 2022, has freezed the bank account of the petitioner maintained with the second respondent bank. Aggrieved by the same, the petitioner has approached this Court seeking for a direction to the first respondent to defreeze the bank account.

4. Learned Additional Public Prosecutor, on instructions, submitted that the bank account of the petitioner was freezed. However, the same was not intimated immediately to the learned Magistrate.



CrI.O.P.No.383 of 2024

WEB COPY

5. In the light of the above submission made by learned Additional Public Prosecutor, it is clear that the mandate u/s.102 Cr.P.C. has not been complied with and therefore, freezing of the bank account itself is illegal. The first respondent is directed to defreeze the bank account of the petitioner maintained with the second respondent bank. If, according to the first respondent, the bank account of the petitioner needs to be freezed, the first respondent has to necessarily follow the mandate u/s.102 Cr.P.C. and proceed further in accordance with law.

Accordingly, this Criminal Original Petition is disposed of.

18.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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To

1.The Inspector of Police,
Nallan Pillai Petral - Police Station,
Villupuram District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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