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Criminal Original Petition No.3446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3446 of 2024

S.M.Ragupathy
S/o.Muthusamy

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
PS Cyber Crimes,
Puducherry.
Crime No.33 of 2024

2.The Branch Manager,
Canara Bank,
Dharapuram Branch,
4, Vasantha Road,
Dharapuram - 638 656.
Tiruppur District - 638 011.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the first respondent to defreeze the petitioner's bank account bearing No.1243261001160 maintained in the second respondent bank within the time stipulated by this Court.

For Petitioner : Mr.M.Guruprasad
For Respondents : Mr.K.S.Mohandass
Public Prosecutor (P) [R1]



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ORDER

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This Criminal Original 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.M.Guruprasad, learned counsel for petitioner and Mr.K.S.Mohandass, learned Public Prosecutor (P) appearing for first respondent.

3. When the matter was taken up for hearing today, the first respondent has filed a status report. On going through the same, it is seen that on 27.01.2024, the complaint was lodged against the petitioner that he has cheated the *de facto* complainant. On 28.01.2024, the first respondent requested the second respondent not to permit the petitioner to operate the bank account. Apart from the second respondent, such request was made to other banks also wherever the petitioner had his bank account. On 29.01.2024, there was yet another complaint received by the Cyber Crime Police and a First Information Report came to be registered on 29.01.2024 in Crime No.33 of 2024 for offences u/s.66(D) of the Information Technology Act, 2000 and Sections 34, 419 and 420



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IPC. On enquiry, it was ascertained that the *de facto* complainant had deposited to the tune of Rs.25,53,500/- in the second respondent bank.

4. It is further stated in the status report that even though a request was made to the second respondent bank to freeze the bank account, the petitioner was permitted to operate the bank account till 17.02.2024. In view of the same, the petitioner has dealt with all the monies that were available in the bank account.

5. Learned Public Prosecutor (Puducherry) submitted that the bank account maintained by the petitioner in the second respondent bank was not effectively freezed till 17.02.2024 and by then, the petitioner had managed to deal with all the monies that were available in the bank account from 29.01.2024 to 17.02.2024. Hence, the first respondent started focusing upon the investigation and first respondent found that no useful purpose will be served in keeping the bank account maintained by the petitioner frozen. Hence, learned Public Prosecutor (Puducherry) submitted that as on today, the bank account of the petitioner in the second respondent bank is not frozen.



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gm

Recording the specific stand taken by the first respondent, this
Criminal Original Petition is disposed of.

27.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

1.The Inspector of Police,
PS Cyber Crimes,
Puducherry.
Crime No.33 of 2024

2.The Public Prosecutor,
Puducherry.

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Today this matter is listed under the caption 'for being mentioned'.

2.The learned Public Prosecutor (Pondicherry) appearing on behalf of the 1st respondent Police submitted that the 1st respondent will intimate the concerned Bank to permit the petitioner to operate the Bank Account and that such intimation will be given immediately.

3.In the light of the above submission made by the learned Public Prosecutor (Pondicherry), the same is recorded. The order passed by this Court on 08.04.2024 and the present order shall form part of the main order dated 27.02.2024. A fresh order copy shall be issued to the counsel appearing on either side.

24.04.2024

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24.04.2024