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Crl.O.P.No.3982of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3982 of 2024

Varghese

... Petitioner

Vs.

1. State Rep by
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai

2.The Branch Manager,
Canara Bank,
Thiruvottiyur Branch,
No.85A, Thiruvottiyur High Road,
Chennai 600 019

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code to issue a direction to the respondent to de-freeze the petitioners bank account maintained with the 2nd respondent in No .0916101029656 in Canara Bank, Thiruvottiyur Branch, Chennai.

For Petitioner : Mr.Aaruseela Sudhakar
For Respondents : Mr.A.Damodaran for R1
Addidtonal Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to de-freeze the petitioner's bank account maintained with the 2nd respondent in No .0916101029656 in Canara Bank, Thiruvottiyur Branch, Chennai.

2. Heard Mr.Aaruseela Sudhakar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. The learned Additional Public Prosecutor on instructions submitted that the respondent police submitted that in the course of investigation, the account was freezed on 25.10.2023. However, the investigation officer was not able to intimate the same to the concerned jurisdictional Magistrate Court immediately.



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4. Considering the above submission, it is clear that the mandate under Section 102 of Cr.PC has not been complied with. Therefore, the freezing of the bank itself becomes illegal and hence, there shall be a direction to the 2nd respondent to defreeze the bank account of the petitioner. If the 1st respondent deems it fit to freeze the bank account of the petitioner in the course of investigation, it will be left open to the 1st respondent to strictly comply with the mandate under Section 102 of Cr.PC while undertaking the process.

5. This Criminal Original petition is disposed of in the above terms.

22.02.2024

rka

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



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To

- 1.State Rep by
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai
- 2.The Public Prosecutor,
Madras High Court.



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N.ANAND VENKATESH,J

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