



Crl.O.P.No.7608 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7608 of 2024

H.Padma

... Petitioner/Defacto complainant
/versus/

1. The Inspector of Police,
CCD-1,
Chennai South.
2. The Manager,
Yes Bank Ltd,
Ground Floor, Shop No.6,
Sky Enclave, Tilak Road,
Ghatkopar-Mumbai – 400 077.
3. The Manger,
Yes Bank Ltd,
G1, Ground Floor, Velecha Chambers,
Plot No.B6, New Link Road,
Andheri West,
Mumbai – 400 053.
4. The Manager,
Yes Bank Ltd,
Ground Floor and Basement,
Shop No.11, 12, Main Bazaar,
Kingsway Camp, Hudson Lane,
New Delhi – 110 009.

... Respondents

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Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent pending before the Additional Chief Metropolitan Magistrate, Egmore, Chennai and implement the order passed by ACMM, Egmore in Crl.M.P.No.36002 of 2023 and pass orders.

For Petitioner : Mr.R.S.Sundaramoorthy.

For R1 : Mr.K.M.D.Muhilan.
Government Advocate (Crl.Side)

ORDER

The petitioner herein who lost the money in the Online Investment Scheme had approached the trial Court by filing petition under Section 451 of Cr.P.C.

2. The trial Court, after considering the case, has allowed the petition. Since the money not been given to the custody of the petitioner as per the order passed by the Additional Chief Metropolitan Magistrate, Egmore, Chennai *vide* order dated 30.10.2023, the present petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to implement the order passed by Additional Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.36002 of 2023.

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3. The Learned Government Advocate (Crl.Side) for the 1st

respondent submits that the account of the accused been freezed and the order of the Additional Chief Metropolitan Magistrate, Egmore, Chennai already been intimated to the Bank. However, the Bank has responded that there are several Court orders for return of the money in the account of the accused which has been freezed and as of now, on complying all the Court orders, there is no balance in the said account. Therefore, without adverting to the other merits of the case, the order which is now sought to be implemented is pursuant to the direction issued by the trial Court under Section 451 of Cr.P.C. The order can be complied by the 1st respondent only if any fund is available in the account of the accused. If no fund is available, implementation is not possible. As per the Bank intimation, pursuant to the Courts order, the money which was frezeed has already been distributed to the persons to whom the Court has passed favourable order and as on date, there is no fund available in the account.

4. In such circumstances, when the Bank is not in a position to comply the order passed by the Additional Chief Metropolitan Magistrate, Egmore, Chennai, the High Court cannot issue direction to comply an act which is



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impossible to perform.

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5. With the above observation, this ***Criminal Original Petition*** is ***disposed of*** with a direction that if any other money is available which could be considered for returning to the complainant, it is for the trial Court to look into those facts and pass appropriate order.

04.04.2024

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order
bsm.

Copy to:-

1. The Additional Chief Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, CCD-1, Chennai South.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

bsm

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