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Crl.RC.No.573 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.573 of 2022
and Crl.M.P.No.5956 of 2022

A.B.Vadivel

... Petitioner

-Vs-

State rep by
Inspector of Police,
CBCID Cyber Crime Cell,
Chennai - 600008

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the entire records in Crl.M.P.No.3486 of 2022 in Crime No.8 of 2021 pending on the file of the learned XI Metropolitan Magistrate at Saidapet.

For Petitioner : Mr.D.Chandra Sekar

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

The Criminal Revision is filed against the order in Crl.M.P.No.3486 of 2022 on the file of the learned XI Metropolitan Magistrate at Saidapet.

Page No:1/6



Crl.RC.No.573 of 2022

2. Learned counsel for the petitioner would submit that the respondent Police registered a case against one Power Bank App for the offence punishable under Section 420 of IPC and Section 66 D of IT Act 2005 in Crime NO.8 of 2021. The petitioner is one of the account holder in the Power Bank App investment fraud case. In the year 2021, the petitioner got a message in whatsapp stating that whoever wants to work from home to contact them through whatsapp and they also informed that they are doing the said business legally. The petitioner clicked the link given in the message and he was given training for one week and they told him that they will send money to his account and they asked him to convert the same in USD. The petitioner accepted the offer and did the work of money transfer and got the commission for transacting the money.

(ii). In the month of December 2021, when the petitioner went to his bank to get cash, the bank Manager refused to operate his bank account stating that his account was freezed by the respondent police. The petitioner went to CBCID and enquired about the same and he came to know that one Power Bank App cheated general public and they registered a case against Power Bank App in Cr.No.8 of 2021. The petitioner explained the entire facts and

Page No:2/6



Crl.RC.No.573 of 2022

requested the respondent Police to defreeze his bank account but the respondent failed to defreeze his account. Hence, he filed a petition in Crl.M.P.No.3486 of 2022 and the Trial Court vide order dated 08.04.2022 dismissed the petition by holding that the petitioner had received a sum of Rs.1,00,000/- in his ICICI Bank Account from one of the accused company viz., Clifford company and while the petitioner received money from one of the fraudster company, he should prove that the amount transferred to his account from fraudsters is returned but he did not produce any document to prove the same. Aggrieved against the said order, the present petition is filed.

3. Learned counsel for the petitioner would submit that the petitioner is ready to transfer a sum of Rs.1,00,000/- from the freezed account bearing A/c.No.602001534818 to the credit of Crime No.8 of 2021 and after conclusion of the criminal case, the same may be transferred to his account as per the orders of the Trial Court. For which, the learned Additional Public Prosecutor appearing for the respondent has no objection.

4. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on behalf of either side and perused the materials available on record.



Crl.RC.No.573 of 2022

WEB COPY

5. In view of the limited request made by the learned counsel for the petitioner, the petitioner is directed to intimate the ICICI Bank to transfer a sum of Rs.1,00,000/- from his account bearing A/c.No.602001534818 to the credit of Crime No.8 of 2021 and if the amount is deposited, the respondent Police is directed to give No Objection Certificate to the ICICI Bank to defreeze the petitioner's account bearing A/c.No.602001534818. However, the respondent Police is directed to complete the investigation within a period of eight(8) weeks from the date of the receipt of a copy of this order. The petitioner's deposit amount to the tune of Rs.1,00,000/- in Crime No.8 of 2021 will be disbursed as per the orders of the Trial Court.

6. With the above terms and observations, the Criminal Revision Case is disposed of. Consequently connected miscellaneous petition is closed.

03.06.2024

Index : Yes/No
Internet: Yes/No
Speaking Order : Yes/No
msv

Page No:4/6



Crl.RC.No.573 of 2022

To

1. Inspector of Police,
CBCID Cyber Crime Cell,

Chennai - 600008

2. The Public Prosecutor,

High Court, Madras.



WEB COPY



Crl.RC.No.573 of 2022

M.DHANDAPANI,J.

msv

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