



W.P.No.13913 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2024

CORAM :

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

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Padma

.. Petitioner

vs

1.The Assistant Commissioner of Police,
Pulianthope Region,
M.K.B.Nagar, Vyasarpadi,
Chennai – 600 039.

2.The Inspector of Police,
M.K.B.Nagar Police Station,
Vyasarpadi, Chennai- 600 039.

3.The Manager,
State Bank of India,
M.K.B.Nagar Branch,
Chennai – 600 039.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 26.04.2024 and to direct the third respondent to defreeze the savings account in A/c.No.30091369910 of the petitioner.



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For the Petitioner : Mr.S.Madhusudanan
For the Respondents : Mr.Vinothkumar
Government Advocate
for respondents 1 and 2

ORDER

Heard both sides.

2. The petitioner's account has been frozen at the instance of the jurisdictional police. It is not in dispute that the name of the petitioner's husband was figuring as an accused in the cases registered under the Cigarette and Other Tobacco Products Act, 2003.

3. The petitioner's case is that she is running an independent shop in her own name and she has nothing to do with the activities of her husband. Of course, she maintained that her husband is innocent.



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4. The jurisdictional police gave a requisition to the bank on 13.3.2024. Admittedly, the intimation was not sent to the jurisdictional Magistrate as contemplated under Section 102 of Cr.P.C. There are number of decisions of the Madras High Court on this point.

5. The Hon'ble Supreme Court, vide order dated 13.5.2024 in Criminal Appeal Nos.2531-2532 of 2024 (*Shento Varghese v. Julfikar Husen and others*) held that belated intimation to the jurisdictional Magistrate will not vitiate the freezing order. However, the expression "*forthwith*" was appropriately interpreted by the Hon'ble Supreme Court in the said case. But the instant case can be distinguished since intimation has not at all been sent to the jurisdictional Magistrate. It is for this reason, I am inclined to grant the relief to the petitioner. Therefore, I hold that the continued freezing of the petitioner's account is not warranted. Respondent No.3 is directed to unfreeze the petitioner's account expeditiously, preferably within a period of one month from the date of receipt of a copy of this order.



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6. Accordingly, the writ petition is allowed. There shall be no order as to costs.

22.05.2024

Index : Yes/No
Neutral Citation : Yes/No
bbr/ssa

To

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G.R.SWAMINATHAN, J.

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