IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.16030 of 2024
& W.M.P.Nos.17522 & 17524 of 2024

M/s Bechtrans Logistics Private Limited,
having registered office at Shop No. 7,
Vasundhara Apartment, Rasulgarh,
Bhubaneswar, Khordha,
Orissa - 751 007
Represent through its authorised signatory
Mr. Suresh Suwalka ... Petitioner

/**versus/**

1. The Investigating Officer,
Inspector of Police,
Cyber Crime Police Station,
Central Crime Branch, Vepery,
Chennai – 600 007.

2. Federal Bank Limited,
Through its Branch Manager,
Jagadamba Complex, Near Damvnei Temple,
Khurda Road Jatani, Kurdha, Orissa – 752 050. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent No.1 to issue the impugned Notice dated 05.06.2024 for debit freezing the bank account of the Petitioner Company maintained with Respondent No.2 is arbitrary, illegal, bad in law, and quash the same insofar as the Petitioner herein is concerned and also direct the Respondents to unfreeze the bank account bearing No.20010200002512 maintained with Respondent No.2 and pass such further orders.

For Petitioner	: Mr.B.Satish Sundar
For R1	: Mr.S.Udaya Kumar, Government Advocate (Crl.Side)

ORDER

The petitioner herein is holding account in Federal bank and having balance of Rs.12 crores. All of a sudden he was surprised by freezing of his account on the instruction of 1st respondent. Enqiry has disclosed that since a suspected Company by name, M/s.Wonder Logistics Private Limited has transferred a sum of Rs.39,88,749/- into the account of the petitioner herein, instruction been given by the first respondent to the Federal Bank to freeze the account.

2. The petitioner herein given a representation to the first respondent stating that the amount was transferred to his account based on the invoice raised for freight services rendered by the petitioner as against the invoice dated 27.12.2023.

3. When the matter came up for consideration on 29.08.2024, the Learned Government Advocate (Crl.Side) stated that if the petitioner appear for enquiry and submit the accounts, the I.O will be in a position to ascertain the exact amount which is suspected to be the proceeds of crime and thereafter, will take decision regarding the defreezing of the account.

4. Today (i.e.,10.09.2024), the Learned Government Advocate (Crl.Side) has filed detailed counter affidavit dated 29.07.2024 which reads as below:-

> *"9. It is submitted that, the petitioner's Company M/s.Bechtrans Logistics Private Limited was incorporated in the year 2022 and opened a current account in the Federal Bank, Jatani Branch, Odisha in the year 2023. At the time of opening this current account, the petitioner mentioned the Annual turnover of his company as Rs 25 crores.*
>
> *10. It is submitted that, during the investigation it reveals that petitioner's federal bank account was credited with maximum number of transactions from two companies namely **SPEEDWAY LOGISTICS and WONDER LOGISTICS**. As per the NCRP portal, these two said companies were also frozen concern in Cr.No.35/2024, as the money flow from the victim SBI*

BANK A/c No. 10710520326 to these companies are in the Layer-3 and Layer-4, for which the said companies bank accounts were frozen respectively

*11. It is submitted that, Notice u/s 41A CrPC [35(3) BNSS) was sent to **SPEEDWAY LOGISTICS and WONDER LOGISTICS** to appear for enquiry on 11/07/2024 speed post, but the Notice was returned back stating that there is no such address found. The petitioner received money from the **SPEEDWAY LOGISTICS and WONDER LOGISTICS** bank accounts which creates suspicious activities with the petitioner bank account.*

12. It is submitted that, during the investigation it reveals that petitioner's Federal bank account was credited with the amount of Rs.544,37,71,220.47/- (Rupees Five Hundred Forty-Four Crores Thirty- Seven Lakhs Seventy-One Thousand Two Hundred Twenty and Forty- Seven Paise only) and the debit transactions of amount Rs.542,79,34,700.65 /- (Rupees Five Hundred Forty-Two Crores Seventy-Nine Lakhs Thirty- Four Thousand Seven Hundred and Sixty-Five Paise only) within the short period from 01/06/2023 to 23/07/2024. The amount was received by the petitioner's bank account is found to be suspicious money."

5. How the money in the account of the petitioner is suspicious and under what authority the respondent has freezed the entire amount of Rs.12 crores lying in the account not explained in the counter. The two companies which are referred in paragraph Nos.10 and 11, freezing of their account must have some relevancy with the freezing of entire money in the account of the petitioner, unfortunately those information is totally absent.

6. In the counter, it is stated that the custodial interrogation of the petitioner is required to unearth the fact. However, there is no indication of the attempt by the Investigating Officer to secure this person or summon this person for enquiry.

7. As far as this petition is concerned which is confined to defreezing the account, the representative of the petitioner has met the Inspector of Police, Cyber Crime Police Station, CCB, Chennai and submitted details of the Company along with covering letter dated 02.09.2024. The freezing of the account and custodial interrogation of the petitioner will have relevancy only with respect of the matter which is under investigation by the respondent herein.

8. It is case of the prosecution that on the complaint given by Mrs.D.Ezhilarasi Murali about an online fraud to the tune of Rs.45,08,000/-, the account of the petitioner been freezed stating that a sum of Rs.39,88,749/- been layered into the account of the petitioner. The manner in which the money has been layered into his account is explained in paragraph No.5 of the counter. In the counter, it is further stated that a sum of Rs.39,88,749/- form part of the disputed amount layered at the 5^{th} level. It is further stated that 16 various NCRP complaints were registered against the petitioner's throughout India in different states and the complaint numbers and the police which investigating the matter is also provided in the counter.

9. The Learned Counsel for the petitioner states that he has not received any communication about the freezing of the account in the 16 cases referred by the Government Advocate. However, as far as three cases are concerned, the petitioner received communication from the Investigating Agency themselves, that freezing of the account.

10. It is to be noted that the Inspector of Police, Cyber Crime

Police, CCB Chennai is investigating the case. The Investigating Officer is only concern about a sum of Rs.39,88,749/-. Regarding rest of the money lying in the account, if at all required for any purpose, it must be the concern Investigating Agency to inform the bank and the account holder about the action contemplated. By citing various cases under investigation, the respondent police cannot freeze the entire amount lying in the account of the accused over and above the amount which is suspected in the case under investigation.

11. Therefore, the 1st respondent police is hereby directed to intimate the Federal Bank Limited to defreeze the account of the petitioner subject to a lien over a sum of Rs.39,88,749/-.

12. This Court also make it clear that Federal Bank Limited has any other order of freezing, the said request shall be dealt independently. This order is only with respect to freezing of the petitioner's account on the instruction of the 1st respondent/Inspector of Police, Cyber Crime Police Station, CCB, Chennai *vide* letter dated 05.06.2024.

13. With this observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.09.2024

Index : Yes/No.
Neutral Citation : Yes/No.
bsm

To:-
1. The Investigating Officer, Inspector of Police,
Cyber Crime Police Station, Central Crime Branch, Vepery,
Chennai – 600 007.
2. The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.

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