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Crl.O.P.No.20939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No. 20939 of 2024

B.Sridhar

... Petitioner

Vs.

1. State : The Inspector of Police,
CCPS, CCDI,
Chennai South,
Crime No.85 of 2023.
2. ICICI Bank,
Changodar Branch,
Changodar Thoban Smruti Complex,
Sarkhej Bawla Highway, Gujarat – 382 213,
Name : Kanha Logistic,
A/c. No. 174005500312,
IFSC Code : ICIC0001740.
3. Yes Bank,
Manjalpur Baroda Branch,
Prayosha Society, Near Deep Chamber Crossing,
Manjalpur, Vadodara, Gujarat – 390 011,
Name : Ram Subhavan,
A/c. No.069985800002401,
IFSC Code : YESB0000699.
4. Yes Bank,
South Extension Delhi Branch,
D12, South Extension Part II, New Delhi – 110 049,
Name : Dynamic Garment,



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A/c. No.001663300010308,
IFSC Code : YESB0000016.

... Respondents

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Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C to direct the respondent to comply with the order passed by the trial Court in Crl.M.P.No.56875 of 2023 dated 20.03.2023 in Crime No.85 of 2023 and return the money to the petitioner.

For Petitioner : Ms.G.Karuna Devi

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1
No appearance for R2
R3 and R4 not ready notice

ORDER

The learned Additional Chief Metropolitan Magistrate, Egmore, Chennai on the application filed by the *de-facto* complainant Sridhar in Crl.M.P.No.56875 of 2023 in Crime No. 85 of 2023 to disburse the sum of Rs.2,72,700/- from the account in Yes Bank, Manjalpur Baroda Branch, Gujarat, A/c.No.069985800002401, IFSC Code : YES B0000 699, and Rs.83,561/- from the Yes Bank, South Extension Delhi Branch, D12, South Extension Part II, New Delhi, A/c.No.001663300010308,



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IFSC Code :YESB0000016, passed an order and de-freezed the account to the extent of money mentioned in the order and directed to transfer the money to the account of the petitioner, and this order is not complied with and hence, the present petition is filed by the de-facto complainant to direct the respondents to comply with the order passed by the trial Court in Crl.M.P.No.56875 of 2023 dated 20.03.2023 in Crime No.85 of 2023 and return the money to the petitioner.

2. Learned Government Advocate (Crl.Side) appearing for the first respondent / Police submitted that information received from ICICI Bank as well as Yes Bank indicates that there are no sufficient funds in those account to honour the direction of the learned Additional Chief Metropolitan Magistrate, referred to above. From the status report filed by the first respondent-Police, it is seen that the order of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai in communicating to the respective Banks and response from them received intimating the account freezed, had subsequently tendered as de-freezing of Court's order and as on date, there is no balance in the account, after complying with the directions of various Courts. In such circumstances, though the learned Additional Chief Metropolitan Magistrate, Egmore,



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Chennai had passed an order de-freezing the account to the extent of money mentioned in the order, since there are no sufficient funds in the respective accounts, the first respondent as well as the Banks are not in a position to honour the order of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai and the same is justifiable. The grievance of the petitioner has to be resolved by other manner.

3. With the above direction, this Criminal Original Petition is disposed of.

13.09.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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

Dr.G.JAYACHANDRAN, J.



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