



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26595 of 2023

Dr.A.Kalanidhi

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
C.C.B., (Job Racket Wing)
Greater Chennai Police,
Chennai.

2.Indian Overseas Bank,
Mylapore Branch,
Chennai – 600 004

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Indian Overseas Bank, Mylapore Branch, De-freeze petitioner savings Account No.006001000039083 in the above Crime No.174 of 2022 on the file of the 1st respondent police.

For Petitioner

: Mr.B.Ullasavelan

For Respondents

: Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY

ORDER

This petition has been filed to defreeze the Bank account of the petitioner maintained in the 2nd respondent Bank.

2.The bank account of the petitioner was freezed by the 1st respondent during the course of investigation in Crime No.174 of 2022. Aggrieved by the same, the present criminal original petition was filed before this Court.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the bank account was freezed on 13.10.2022 and whereas, it was informed to the concerned jurisdictional Magistrate Court only on 22.11.2023.

4.In the light of the above submission, it is clear that the respondent has not complied with the mandate under Section 102 of Cr.P.C., and on that ground alone, the freezing of the bank account becomes illegal. Accordingly, the account maintained by the petitioner before the 2nd respondent Bank will be defreezed.



WEB COPY

5.If according to the 1st respondent, the bank account of the petitioner requires to be freezed, it shall be done only by following the mandate under Section 102 of Cr.P.C., and such liberty is also granted.

6.This criminal original petition is disposed of with the above directions.

08.01.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

Note: Issue Order Copy on 08.01.2024

To

- 1.The Assistant Commissioner of Police,
C.C.B., (Job Racket Wing)
Greater Chennai Police,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY



N.ANAND VENKATESH, J

SSR

Crl.O.P.No.26595 of 2023

08.01.2024