



WEB COPY



Crl.R.C.No.1774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1774 of 2024

P.Suganthi

... Petitioner/De-facto complainant

Versus

1.State Rep. by its,
The Inspector of Police,
TMB-CCB,
T1-Tambaram Police Station,
Tambaram, Kancheepuram.

2.The Branch Manager,
ICICI Bank Ltd.,
Ground Floor, Shot No.11 to 15,
Span Chandan Mall, Station Road,
Visnagar – 384315,
Gujarat.

3.The Branch Manager,
ICICI Bank Ltd.,
Anjan Shalaka,
Lal Bungalow,
Athwa Lines,
Surat – 395007.



Crl.R.C.No.1774 of 2024

WEB C

4.The Branch Manager,
ICICI Bank Ltd.,
254, Okhla Phase-3,
New Delhi – 110020.

5.The Branch Manager,
ICICI Bank Ltd.,
Near Bus Stand,
Opp. Asha Deep Nursing Home,
Raghunathganj, Jangipur – 742225,
Murshidabad District,
West Bengal.

6.The Branch Manager,
ICICI Bank Ltd.,
Main Road Near Gole Market,
Karan Nagar, Srinagar – 190010.
Jammu Kashmir.

7.The Branch Manager,
ICICI Bank Ltd.,
Naya Chowk,
NH 31, Ayodhyaganj Bazar,
Kursela Katihar, Bihar – 854101.

8.The Branch Manager,
Punjab National Bank,
Block Colony,
P.O. Rasgovindpur,
Odisha – 757016.

...Respondents



Crl.R.C.No.1774 of 2024

PRAYER: Criminal Revision Case filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the learned Judicial Magistrate-I, Tambaram in Crl.M.P.No.532 of 2024 dated 22.08.2024 in respect of the 1st condition more particularly, directing the petitioner to furnish one surety for Rs.7,39,172/- as it is arbitrary and is in violation of Article 14 and 21 of the Constitution of India.

For Petitioner : Mr.M.Erajasimhan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed seeking to set aside the order passed by the learned Judicial Magistrate-I, Tambaram in Crl.M.P.No.532 of 2024 dated 22.08.2024 in respect of the 1st condition more particularly, directing the petitioner to furnish one surety for Rs.7,39,172/-.

2.The petitioner/de-facto complainant lodged a complaint to the respondent police and a case in Crime No.20 of 2024 registered. The



Crl.R.C.No.1774 of 2024

WEB COPY

contention of the learned counsel for petitioner is that the petitioner was cheated to a sum of Rs.20,96,320/- in on-line. The petitioner transferred the amount from her bank account to the various accounts as directed by the accused and later realising that she has been cheated, she had given a complaint with details. The respondent police registered the case, tracked and traced the amount, which was siphoned out from the petitioner's account and finally they can find out Rs.7,39,172/-, which was freezed and later the petitioner was informed about the same. Hence, she filed a petition under Section 451 and 452 of Cr.P.C. before the Lower Court seeking return of freezed money. The Lower Court, considering that from the petitioner's account the amount has been transferred and a sum of Rs.7,39,172/- freezed and available in bank account, granted return of Rs.7,39,172/- to the petitioner with condition that the petitioner to execute indemnity bond for Rs.7,39,172/- with one surety for Rs.7,39,172/-. The petitioner is ready to execute indemnity bond, as regards the surety, the petitioner is unable to



Crl.R.C.No.1774 of 2024

WEB COPY

secure such surety, due to which, though the order was passed on 22.08.2024, she is unable to comply the condition and get back the money she has lost.

3.The learned Additional Public Prosecutor submitted that petitioner/de-facto complainant lodged a complaint and a case in Crime No.20 of 2024 registered for offences under Sections 406, 420 of I.P.C. r/w Section 66D of the Information Technology Act, 2000. In the complaint, she had given details of six websites to which, she sent the money to the tune of Rs.38,85,262/- on the false promise received from these websites through E-mail and also WhatsApp. Later the petitioner realised that these are the websites created for the purpose of cheating. Thereafter, she lodged a complaint with details of the money transaction, which was verified and finally as of now, the respondent police could trace the petitioner's amount to the extent of Rs.7,39,172/-, which was freezed in the bank account. The respondent police have no objection for the amount to be handed over to the petitioner but the only apprehension is that in the event of accused being



Crl.R.C.No.1774 of 2024

WEB COPY

secured and charge sheet filed in the case and later the accused makes claim of money, the same to be made available. For that reason an undertaking and bond can be executed by the petitioner.

4.In view of the same, the Condition No.I of the impugned order dated 22.08.2024 passed by the learned Judicial Magistrate-I, Tambaram directing the petitioner to furnish security for Rs.7,39,172/- is set aside. With regard to other conditions, the same stand unaltered.

5.Accordingly, the Criminal Revision Case is allowed.

23.10.2024

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Speaking order/Non-speaking order
rsi



Crl.R.C.No.1774 of 2024

WEB COPY

- To
- 1.The Inspector of Police,
TMB-CCB,
T1-Tambaram Police Station,
Tambaram, Kancheepuram.
 - 2.The Judicial Magistrate-I,
Tambaram.
 - 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.1774 of 2024

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.1774 of 2024

23.10.2024