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Crl.O.P No.215 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.01.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**Crl.O.P No.215 of 2024**

Hemalatha

Wife of Lyson

... Petitioner

vs.

State represented by its  
The Inspector of Police,  
E-2, Esplande Police Station  
Chennai  
Cr.No.279/2023

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to defreeze the bank account in Account No.0916101058690, Canara Bank, Thiruvottiyur Branch, Chennai.

For Petitioner : Mr.S.Krishnamoorthy

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

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**ORDER**

This petition has been filed challenging the freezing of bank account by the respondent police in the course of investigation in Crime No.279 of 2023.

2. Heard Mr.S.Krishnamoorthy, learned counsel for petitioner and



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Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for respondent.

3. The respondent police have registered a case in Crime No.279 of 2023 for alleged offences under Sections 7(3) of Lotteries Act, 1998 and 353 IPC against the petitioner. In the course of investigation, the bank account of the petitioner was freezed on 20.10.2023. According to the petitioner, the mandate under Section 102 Cr.P.C. has not been complied with. Accordingly, the present writ petition has been filed for a direction to the respondent police to defreeze the bank account.

4. Learned Additional Public Prosecutor submitted that the bank account of the petitioner was freezed in the course of investigation on 20.10.2023. However, the same was not immediately intimated to the jurisdictional Magistrate.

5. In the light of submissions made by learned Additional Public Prosecutor, it is clear that the mandate u/s.102 Cr.P.C. has not been complied with. As a result, the freezing of the bank account becomes



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illegal. The law on this issue is now too well settled.

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6. In the light of the above discussion, there shall be a direction to the respondent to defreeze the bank account of the petitioner maintained at the Canara Bank, Thiruvottiyur Branch, Chennai. Liberty is granted to the respondent to take action to freeze the bank account by strictly complying with the mandate u/s.102 Cr.P.C., if such action is warranted during the course of investigation.

In the result, this Criminal Original Petition is allowed in the above terms.

**05.01.2024**

Index : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral citation : Yes/No  
gm



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**N. ANAND VENKATESH., J**

gm

To

- 1.The Inspector of Police,  
E-2, Esplande Police Station,  
Chennai.  
Crime No.279 of 2023
- 2.The Public Prosecutor,  
High Court of Madras,  
Madras.

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