



W.P.(MD)No.24755 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.24755 of 2024

Karuppasamy

... Petitioner

Vs.

1.The Investigation Officer/SHO,
Cyber Crime Police Station,
Patan City, Gujarat State.

2.The Branch Manager,
State Bank of India,
Vilathikulam Branch,
IFSC Code SBIN0003925,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to defreeze the petitioner account Number 33085051327 which maintain by SBI Bank, Vilathikulam Branch, Thoothukudi District (2nd respondent herein) by considering the petitioner's online representation dated 12.08.2024.

For Petitioners	: Mr.S.Krishnan
For R1	: Mr.P.Kottai Chamy
	Government Advocate (Crl.Side)
For R2	: Mr.C.Karthik



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ORDER

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This writ petition has been filed to direct the respondents 1 and 2 to defreeze the petitioner account Number 33085051327 maintained by SBI Bank, Vilathikulam Branch, Thoothukudi District (2nd respondent herein) by considering the petitioner's online representation dated 12.08.2024.

2.The petitioner is a senior citizen and a retired employee of the State Bank of India. The petitioner is having an account bearing Account No.33085051327 in the State Bank of India at Vilathikulam Branch, Thoothukudi District. Through this account only, the petitioner is receiving his pension. Using this account, the petitioner had invested a sum of Rs.13,959/- in crypto currency. Later, the petitioner came to know that the crypto currency is a gambling. Thereafter, the petitioner had not invested any amount in the said platform. While being so, the petitioner came to know that the account of the petitioner is frozen by the second respondent as per the instructions of the first respondent as if a sum of Rs.3,635.68/- was found to be involved in cyber crime offence. Hence, the petitioner had made a representation to the Bank to defreeze



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the said account. Since the same was not acted upon, the petitioner has filed this petition.

3.The learned counsel for the petitioner submits that the account frozen by the second respondent is the pension account of the petitioner. Since the said account is frozen by the Bank, the petitioner is not able to meet out his livelihood. The petitioner due to ill-advise and without knowing the fact that the crypto currency is illegal, had made the said transaction. Thereafter, he never transacted any amount in that.

4.The learned counsel for the second respondent Bank submits that based on the instructions from the first respondent, the account of petitioner was frozen.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submits that on 23.05.2024, it was found that the petitioner had a transaction to the tune of Rs.3,635.68. Since the said amount is involved with cyber crime, the investigation agency had instructed the respondent bank to freeze the account of the petitioner.



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6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.Admittedly, the disputed amount is only Rs.3,635.68. For this amount, the entire account of the petitioner is frozen by the respondent bank. The petitioner is eking his livelihood from and out of the pension received through this account. If the entire account is frozen, the petitioner will be put to great hardship. Hence, the respondent bank is directed to hold the alleged amount of Rs.3,635/- in the account of the petitioner and permit the petitioner to operate his account for the remaining amount.

8.With the above observation, this writ petition stands allowed.

06.12.2024

NCC : Yes / No
Index : Yes / No
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- 2.The Branch Manager,
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Vilathikulam Branch,
IFSC Code SBIN0003925,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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