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Crl.O.P.No.9048 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9048 of 2025

and

Crl.M.P No.5984 of 2025

The Branch Manager,
Axis Bank,
1st Floor, Jamuna Amrut CHS Ltd.,
Near MTNL, S.V.Road, Jogeshwari west,
Mumbai, Maharastra – 400102.
Rep by Nitin Shama Shetty
Authorized Signatory

... Petitioner

Versus

1.Muthukumar.K

2.The State rep.by
Inspector of Police,
Cyber Crime Wing,
Central Crime Branch,
Tambaram City Police,
Chennai – 600119.

3.The Branch Manager,
Axis Bank,
B-81, Defence Colony,
New Delhi – 110024.



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4.The Branch Manager,

Axis Bank.

1st Floor Building No.210

National Highway 102,

State: Manipur, Ph: 7005126113,

Manipur-795148.

5.The Branch Manager,

UCO Bank,

UCO Bank, 4, Sarkar Patel Marg,

Civil Lines, Allahabad-211001

6.The Branch Manager,

UCO Bank,

Greater Noida Shopping Plaza,

Block-57/1, Main Surajpur Kasna Road,

Site-IV, Greater Noida, U.P-201 306.

7.The Branch Manager,

ICICI Bank Ltd.,

166/SML 7 KGR Path College,

More Kanchrapara North 24,

Parganas 742145.

West Bengal.

8.The Branch Manager,

State Bank of India,

Dist Nagpur, Maharashtra 440018.

9.The Branch Manager,

State Bank of India,

Market Yard Mahuva,

Dist Bhav Nagar,

Gujarat 36290.

... Respondents



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PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the impugned order dated 25.11.2024 in C.M.P.No.4045/24 in C.S.R.No.474/24 passed by the Learned Judicial Magistrate-1, Alandur as devoid of merit.

For Petitioner : M/s. M.R. Uma Vijayan

For Respondents : Mr. A. Gopinath, (for R2)
Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition has been filed challenging the order dated 25.11.2024 passed in Crl.M.P.No.4045 of 2024 in C.S.R No.474 of 2024 by the learned Judicial Magistrate No.I, Alandur.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the learned Magistrate, without issuing notice to the petitioner on the petition filed by the first respondent, passed an order directing the petitioner to disburse the amount in favour of the first respondent from



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the account of the accused. He further submitted that the petitioner is receiving various Court orders across India directing to disburse the amounts lying in the account of the accused, to the victims. Once the amount is disbursed from the account of the accused in compliance with one such order, the petitioner would be unable to comply with any subsequent order from any other Court pertaining to the same account. Therefore, if any notice served on the petitioner, they would have an opportunity to place their explanation before the concerned Court. He also relied upon the Judgement of the High Court of Karnataka at Bengaluru in ***Criminal Petition No.11203 of 2024 dated 11.11.2024 in the case of AXIS Bank Ltd, represented by its Branch Head, Mr.Zafeer K.M Vs. The State of Karnataka***, wherein the Court passed the following order :-

“(i) Criminal Petition is allowed.

(ii) The order dated 31.07.2024, passed by the XLV Additional Chief Judicial Magistrate, Bengaluru in Cr.No.25/2024 is hereby set aside.

(iii) Matter is remanded to XLV Additional Chief Judicial Magistrate, Bengaluru, to reconsider the application filed under Sections 451 and 457 of



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Cr.P.C afresh, after affording opportunity of hearing to the petitioner.

(iv) Till the application is disposed of, the petitioner/bank is restrained from releasing the money in favour of any person from the subject account.

(v) In the light of the issue pending for such consideration, I deem it appropriate to direct the concerned Court to dispose the application so filed under Sections 451 and 457 of Cr.P.C. as expeditiously as possible, at any rate, within eight weeks from the date of receipt of copy of this order.”

4. It is seen that the first respondent is the victim of the online fraud committed by the accused. Based on the complaint, the second respondent registered a First Information Report. Pursuant to the registration of the FIR, the bank accounts of the accused were frozen. Subsequent to the freezing of the accounts of the accused, the first respondent filed an application in C.M.P.No.4045 of 2024 before the learned Judicial Magistrate No.1, Alandur, under Section 503 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, seeking to return his



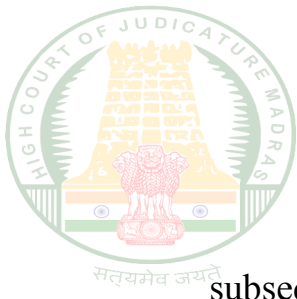
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amount lying in the accused's bank account to the victim's account. Upon perusal of such application, the learned Magistrate, allowed the application on 25.11.2024 filed by the first respondent.

5. Admittedly, the amount has been transferred only from the bank account of the accused. In fact, as directed by the police, the petitioner has frozen the account of the accused. Accordingly, the learned Magistrate passed order directing the transfer of the amount from the account of the accused to the victim. The petitioner, being the bank, has to comply with the said direction.

6. The only grievance of the petitioner is that, if multiple orders are passed with similar directions, the petitioner may not be in a position to comply with all of the orders. It is made clear that the petitioner shall act on a “first come first serve” basis, i.e., the order first received from the competent Court shall be complied with first. After compliance with the initial order, if no funds remain in the accused's account, the petitioner shall not be held responsible for non-compliance with



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subsequent orders, as no amount would be available for disbursement.

7. In view of the above, this Court does not find any infirmity or illegality in the order dated 25.11.2024 passed in C.M.P.No.4045 of 2024 in C.S.R.No.474 of 2024 by the Judicial Magistrate No.I, Alandur, and the same is hereby confirmed.

8. Accordingly, this Criminal Original is dismissed. Consequently, connected miscellaneous petition is also closed.

28.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. Inspector of Police,
Cyber Crime Wing, Central Crime Branch,
Tambaram City Police, Chennai – 600119.

2. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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