



Crl.O.P.No.17766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.17766 of 2024

S.Jayanthi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
(Crime No.328 of 2023)

... Respondent

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.3144 of 2024 dated 13.05.2024 on the file of the Principal Special Judge under EC & NDPS Act, Chennai, in the interest of justice.

For Petitioner : Mr.C.M.Ramakrishnan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the order dated 13.05.2024 passed in Crl.M.P.No.3144 of 2024 by the learned Principal



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Special Judge under EC & NDPS Act, Chennai, thereby dismissing the
petition filed by the petitioner to defreeze her bank's account.

2. The petitioner is an accused in Crime No.328 of 2023 for the offence punishable under Section 8(c), 20(b)(ii)(B) & 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 on the file of the respondent police. In pursuant to the registration of FIR, the respondent police freezed the account of the petitioner, which is lying in the Indian Overseas Bank, in account No. 030501000030211. Therefore, the petitioner filed application to de-freeze the account and the same was dismissed by the Court below. Now the respondent police completed the investigation and filed final report and the same has been taken cognizance in C.C.No.398 of 2024 on the file of the learned II Additional Special Judge, Special Court for EC & NDPS Act, Chennai.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that a sum of Rs.909/- is alone lying in that account and if the petitioner convicted, whatever the amount lying in that account would be confiscated in the manner known to law.



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4. Heard the learned counsel appearing on either side and

perused the materials placed before this Court.

5. Admittedly, only a sum of Rs.909/- is alone lying in the petitioner's account. If the petitioner deposited the said amount to the credit of C.C.No.398 of 2024, the petitioner can operate her account. In view of the above, the respondent is directed to de-freeze the petitioner's account in account No.030501000030211 in Indian Overseas Bank, Thambu Chetty Street Branch, on condition that the petitioner shall deposit a sum of Rs.909/- to the credit of C.C.No.398 of 2024 on the file of the learned II Additional Special Judge, Special Court for EC & NDPS Act, Chennai.

6. With the above directions, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.02.2025

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

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Special Judge under EC & NDPS Act,
Chennai.

2. The II Additional Special Judge,
Special Court for EC & NDPS Act,
Chennai.

3. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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