



Crl.RC.No.1627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1627 of 2023 and

Crl.M.P.No.15313 of 2023

Axis Bank

Rani Bagh Branch

Ground Floor A4

Maharana Pratap Enclave

Pitampura, New Delhi - 110064

Represented by its Vice President cu Branch Head

Vikas Malhotra

... Petitioner

Vs.

1. The Inspector of Police

Cyber Crime Police Station

Chengalpattu

2. D.Kumararaja

... Respondents

Prayer: Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C.

to set aside the order dated 22.02.2023 made in Crl.M.P.No.1174 of 2023 on

the file of the Judicial Magistrate No.I, Chengalpattu.



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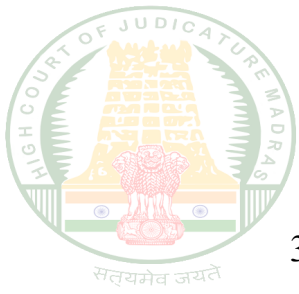
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For Petitioner	: Mr.C.T.Murugappan
For 1 st Respondent	: Mrs.G.V.Kasthuri Additional Public Prosecutor
For 2 nd Respondent	: No Appearance

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 22.02.2023 made in Crl.M.P.No.1174 of 2023 on the file of the Judicial Magistrate No.I, Chengalpattu.

2. The case of the petitioner/Bank is that the 2nd respondent who is the defacto complainant in Crime No.8 of 2022, had filed a petition in Crl.M.P.No.1174 of 2023 before the Judicial Magistrate No.I, Chengalpattu, invoking Section 451 and 457 of Cr.P.C. for return of case property namely money standing to the credit of one Jakir and which was cheated by him. The said petition was allowed by order dated 22.02.2023 directing the petitioner/ Bank and Federal Bank to transfer the petition mentioned amount to the account of the defacto complainant. Challenging the same, the Axis Bank has filed the present revision.



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3. The contention of the petitioner/Bank is that it appears that the account holder/accused namely Jakir had indulged into online fraud and cheated many people across the State of Tamil Nadu and based on the directions received from the three other statutory authorities i.e. Cyber Crime Ramanathapuram, Cyber Crime Ambattur and Cyber Crime Krishnagiri, they frozen the account of the said Jakir to prevent further operations in the said account. While being so, on 27.02.2023, the petitioner/Bank received a communication from the 1st respondent police enclosing the copy of the order made in Crl.M.P.No.1174 of 2023 dated 22.02.2023 directing the petitioner/Bank to transfer the money to the defacto complainant, but the fact is that the petitioner/Bank was not arrayed as a respondent in the said proceedings and before passing of the impugned order, the said petition was not brought to the notice of the petitioner/Bank. The petitioner/Bank has received multiple freezing orders from various other authorities which shows that the fraud committed by the said Jakir runs into lakhs of rupees and if the



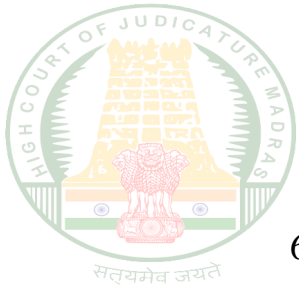
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petitioner defreezes the account for the purpose of complying with the order

dated 22.02.2023, it would not only be in violation of the multiple freezing orders received from the other authorities, but also loss to the victims whom will have to part with the money when the other authorities seek return of money.

4. Heard and perused the materials available on record.

5. It is seen from the records that the bank account of one Jakir/accused maintained in the petitioner's Bank has been freezed under Section 102 of Cr.P.C. Subsequently, the 2nd respondent/defacto complainant moved before the Magistrate for interim custody of the property and the Magistrate has passed the order only for interim custody. The other authorities/Investigating Officers neither made any application before the Magistrate nor made any request before the Bank or any other aggrieved/interested parties/Investigating Officers have challenged the said order.



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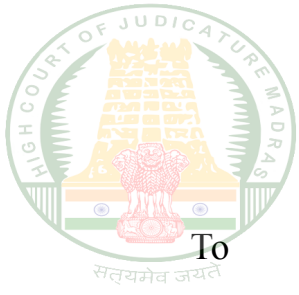
6. Under these circumstances, it is the bounden duty of the petitioner/Bank to obey the order of the Magistrate. The Bank is only the custodian of the said property.

7. Therefore, the petitioner/Bank is directed to comply with the order of the Magistrate dated 22.02.2023 made in CrI.M.P.No.1174 of 2023, if the petitioner/Bank has not obtained any order of prohibition from any other competent Court/the Hon'ble Supreme Court.

8. With the above directions, this Criminal Revision Case is disposed of. Consequently, the connected Miscellaneous Petition is closed.

12.03.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

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1. The Judicial Magistrate No.I,
Chengalpattu.
2. The Inspector of Police
Cyber Crime Police Station
Chengalpattu
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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