



Crl.O.P.No.30056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2025

CORAM:

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

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A.Suresh

... Petitioner

Vs

1. The State Represented By
Inspector of Police,
Viruthampet Police Station,
Vellore District.
Crime No.260/2024

2. The Branch Manager,
HDFC Bank,
Gandhi Nagar Branch,
Vellore District 632 006.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent to defreeze the bank account maintained by the petitioner with the second respondent bearing Account No.50100262686797.

For Petitioner	: Mr.L.Ram Kumar
For R1	: Mr.R.Vinothraja Government Advocate (Crl.side)
For R2	: Mr.C.Mohan M/s A. Remy Josephine Mary for M/s King and Partridge



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ORDER

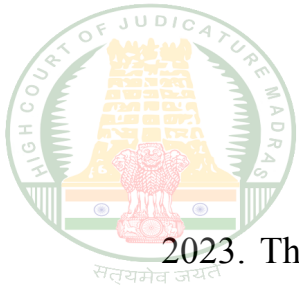
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This Criminal Original Petition has been filed for direction directing the first respondent to defreeze the bank account maintained by the petitioner with the second respondent bearing Account No.50100262686797.

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

3. The petitioner is an accused in Crime No.260 of 2024 on the file of the first respondent registered for the offences under Sections 8(c) read with 20(b)(ii)(A) of NDPS Act. The allegation as against the petitioner is that on 18.07.2024, when the petitioner was standing near T.K.Puram Railway Bridge, the first respondent found that the petitioner was in possession of 100 gms of Ganja. Subsequently, pursuant to the registration of FIR, the account of the petitioner has been frozen by the first respondent.

4. The learned counsel for the petitioner would submit that after freezing the account, the first respondent failed to inform the same to the concerned Judicial Magistrate as contemplated under Section 106(3) of BNSS,



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2023. That apart, at the time of freezing his account, a sum of Rs.1733/- was only available. The petitioner is a private company employee and it is a salary account. Therefore, unless or otherwise the petitioner is permitted to operate the account, it would prejudice his right and he would not be able to withdraw his salary.

5. On instructions, the learned Government Advocate (CrI.side) would submit that the petitioner is an accused in Crime No.206 of 2024. The petitioner was found in possession of 100 gms of Ganja. Pursuant to the registration of FIR, the petitioner's account has been frozen and now, the investigation has been completed. After completion of investigation, final report has been filed and the same is pending for taking cognizance by the Trial Court.

6. However, the respondent was not able to produce any evidence to show that the respondent had followed the procedures as contemplated under Section 106(3) of BNSS, 2023.



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7. It is relevant to extract the provisions under Section 106(3) of BNSS as follows:-

“ 106. Power of police officer to seize certain property.

(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same:

Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 503 and 504 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Accordingly, the respondent shall have to inform about the freezing of the petitioner's account to the concerned Jurisdictional Magistrate forthwith. However, there is no evidence to show that the respondent had complied with the procedures as contemplated under Section 106(3) of BNS.



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8. That apart, the learned counsel for the second respondent would submit that at the time of freezing of his account a sum of Rs.1733/- was only available in his account. Now, a sum of Rs.49,000/- is lying in his account.

9. The learned counsel for the petitioner clarified that he is an employee in a private company and it is a salary account. Therefore, his salary was credited to his account.

10. In view of the above, this Court is inclined to defreeze the account of the petitioner and permit him to operate his account. Accordingly, the respondent is directed to defreeze the account of the petitioner bearing Account No.50100262686797 and permit the petitioner to operate his account.

11. Accordingly, this Criminal Original Petition stands allowed.

04.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Inspector of Police,
Viruthampet Police Station,
Vellore District.
Crime No.260/2024
2. The Branch Manager,
HDFC Bank,
Gandhi Nagar Branch,
Vellore District 632 006.
3. The Public Prosecutor,
High Court, Madras.

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