



Crl.O.P.No.28671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM:

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

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Dilip N Bokadia

... Petitioner

Vs.

1. The State Rep by
The Inspector of Police,
Cyber Crime Police Station,
East Zone, Chetpet,
Chennai – 600 031.
Crime No.68 of 2023.

2. HDFC Bank,
Rep. by its Manger,
Ganjam Branch,
Kamala Residency,
Bhaba Nagar Square,
Ganjam District,
Odisha – 760 004.

3. HDFC Bank,
Rep. by its Manager,
Mohta Bhag Branch,
Shop No.11, Sitashree Apartments,
Mohta Bag, Indore District,
Madhya Pradesh – 452 005.

... Respondents



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PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondent bank Nos.2 & 3 to immediately within a time frame as fixed by this Court to comply the order dated 02.05.2024 in Crl.M.P.No.11705/2024 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, in Crime No.68/2023 on the file of the first respondent police.

For Petitioner : Mr.Abilash Pandian

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2 & R3 : Mr.M.Kumaresan
For King & Patridge

ORDER

This Criminal Original Petition has been filed for direction to direct the respondents 2 & 3 to comply the order dated 02.05.2024, passed by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.11705 of 2024.

2. On the complaint lodged by the petitioner, the first respondent registered FIR in Crime No.68 of 2023 for the offences punishable under Section 420 of IPC and Section 66(D) of the Information Technology Act. In pursuant to the registration of FIR in



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Crime No.68 of 2023, the first respondent requested to freeze the accounts bearing account Nos.50100616404540 and 50100616404514 maintained by the accused persons in the respondents 2 & 3 bank.

3. The petitioner, being the complainant, filed petition in Crl.M.P.No.11705 of 2024, under Section 451 r/w 457 of Cr.P.C., to return of amount before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai. The learned Magistrate by an order dated 02.05.2024, directed the second and third respondents to transfer the amount from the above two accounts which are operated and maintained by the accused persons viz., the sum of Rs.1,74,397/- from the account bearing No.50100616404540 and also the sum of Rs.70,000/- from the account bearing No.50100616404514 to the petitioner's account.

4. The learned counsel appearing for the respondents 2 & 3 submitted that on the date of order itself, the entire amount had been withdrawn by the accused persons from the account No.50100616404540. Insofar as the sum of Rs.70,000/- is concerned, it was transferred to the petitioner's account and as such portion of the order has been complied with. Now no amount is lying in the account



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No.50100616404540 and as such, the second and third respondents

could not comply the said order.

5. Recording the above submissions, the Criminal Original
Petition stands closed.

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

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To
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1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai,
2. The Inspector of Police,
Cyber Crime Police Station,
East Zone, Chetpet,
Chennai – 600 031.
Crime No.68 of 2023.
3. The Manager,
HDFC Bank,
Ganjam Branch,
Kamala Residency,
Bhaba Nagar Square,
Ganjam District,
Odisha – 760 004.
4. The Manager,
HDFC Bank,
Mohta Bhag Branch,
Shop No.11, Sitashree Apartments,
Mohta Bag, Indore District,
Madhya Pradesh – 452 005.
5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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