



W.P.No.38156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM:

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

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Elton Rajesh Dcunha

..... Petitioner

Vs

1. State of Tamil Nadu,
The Senior Police Inspector
Cyber Crime
Tirupur.

2. Kotak Mahindra Bank
Through Manager
Having Branch At 6/1/25,
Badrinath Ground Floor,
Ambadi Road, Vasai West,
Palghar, Maharashtra- 401 202.

3. ICICI Bank
Through its Manager
Having Branch at S1,
Vedant Commercial Complex,
Opp. Kores Tulsi Dham,
Siddhivinayak Society,
Vartak Nagar,
Thane West, Thane,
Maharashtra 400 606.

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Declaration, declaring that freezing of the



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petitioner's Saving Account No.9149161221 IFSC Code. KKBK0001420 existed and held with the branch - Vasai west, Thane in the Kotak Mahindra Bank is bad in law and that freezing of the petitioner's Saving Account No. 393301500496, IFSC Code- ICIC0000268 existed and held with the branch- Vartak Nagar, Thane in the ICICI Bank is bad in law.

For Petitioner : Mr.Ashley Cusher

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

For R2 : Mr.P.J.Bency Switesingh

ORDER

This Writ Petition has been filed seeking a declaration declaring that freezing of the petitioner's saving Account No.9149161221 (IFSC Code. KKBK0001420) held at the Vasai west, Thane Branch of Kotak Mahindra Bank is unlawful. The petitioner also seeks a declaration that the freezing of the petitioner's Savings Account No. 393301500496 (IFSC Code- ICIC0000268) held at the Vartak Nagar, Thane Branch of ICICI Bank is unlawful.

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



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3. The petitioner holds saving Account No.9149161221 (IFSC Code - KKBK0001420) at the Vasai west, Thane Branch of Kotak Mahindra Bank and Savings Account No. 393301500496 (IFSC Code - ICIC0000268) at the Vartak Nagar, Thane Branch of ICICI Bank.

4. A perusal of the status report filed by the first respondent reveals that the accused used the petitioner's account as second layer transaction. The accused initially received a sum of Rs.5,10,000/- from the account of the defacto complaint from the first layer and subsequently, transferred a sum of Rs.1,96,3000/- as second layer account. From the said account, the petitioner further transferred a sum of Rs.50,000/- to another account with the third respondent. Now the investigation is under progress. Pursuant to the said complaint, an FIR has been registered in Crime No.43 of 2024 for the offences under Section 318(4) of BNS and under Section 66D of IT (Amendment) Act 2008.



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5. That apart, on instructions, the learned counsel appearing for the second respondent would submit that based on the instructions from the Rohtas Cyber Police Station, Dehri (Rohtas), Bihar, the second respondent had frozen the petitioner's account since the petitioner is involved in the crime and the investigation is also pending.

6. Therefore, since the investigation is pending before both the first respondent and the Inspector of Police, Rohtas Cyber Police Station, Dehri (Rohtas), Bihar, the relief sought for in this petition cannot be considered. Accordingly, this Criminal Original Petition stands dismissed. No costs.

01.04.2025

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1. The Senior Police Inspector
Cyber Crime
Tirupur.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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