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WP CrI. No. 955 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**WP CrI. No. 955 of 2025
and WPMP.CrI.No.449 of 2025**

J.James Koil Raj

Appellant(s)

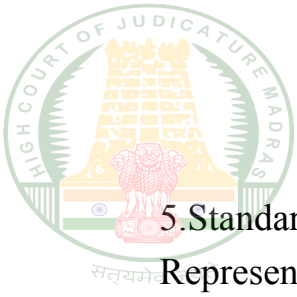
Vs

1. The Commissioner of Police
Avadi Commissionerate, Avadi.

2.The Inspector of Police
Cyber Crime Police Station,
Madhavaram, Chennai.

3.The Police Inspector,
CEN-Crime Police Station,
East Division, Bengaluru City,
Broadway Road, Shivaji Nagar,
Bengaluru City, Karnataka-560051.
Crime No.62 of 2024

4.The Inspector of Police
Cyber Crimes,
Rachakonda Police Commissionerate,
LB Nagar, Hyderabad, Telangana State
Crime No.261 of 2024



5. Standard Chartered Bank

Represented by its Branch Manager,

Pantheon Road Branch,

125, Pantheon Building Ethiraj Salai,

125, Pantheon Road,

Egmore, Chennai

Tamil Nadu 600008.

Respondent(s)

PRAYER

To direct the 3rd and 4th respondent to de-freeze the bank account of the petitioner bearing Bank Account No. 42610756229, IFSC No. SCBL0036079, maintained with the 5th respondent bank, within a time frame fixed by this Court.

For Appellant(s): Mr. Harikrishnan R

For Respondent: Mr. R. Vinothraja,
Govt. Advocate (Crl. Side),
For RR1 & 2

ORDER

The petitioner seeks direction to the fifth respondent Bank to de-freeze the bank account of the petitioner.



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2. It is the case of the petitioner that on the basis of the complaint give before the third respondent for alleged transfer of Rs.22,000/- in an on-line fraud, a request has been made to the 5th respondent Bank to mark lien. Similarly, another Rs.50,000/- was sought to be marked as lien by the fourth respondent on the basis of on-line trade. Based on the request made by the fourth respondent and third respondent, now the entire account of the petitioner has been frozen. A communication sent in this regard is available in the typed set of papers, which indicates that notice under Section 91/102 Cr.P.C. has been sent by the fourth respondent requesting lien over Rs.50,000/- in account No.42610756229, which is petitioner's account maintained in the 5th respondent Bank. Similarly, 3rd respondent also sought such lien over Rs.22,000/-. Thus, totally Rs.72,000/- is sought as lien.

3. The learned counsel for the petitioner submitted that freezing of the Bank account of the petitioner without notice is totally unwarranted and the same is violative of the mandatory requirements under section 102 of Cr.P.C.

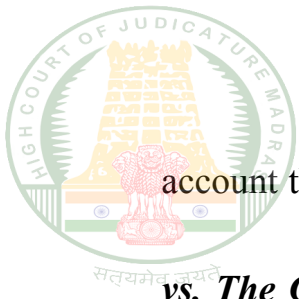


4. The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that since investigation is pending, Bank account cannot be de-freezed at this point of time.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. Freezing of Bank Account falls within the purview of Section 102 of Code of Criminal Procedure since the Bank Account is treated to be a movable property. If the Bank Account is freezed without notice to the concerned person and report is not immediately sent to the jurisdictional Magistrate Court, the freezing of Bank Account gets vitiated and the same requires the interference of the Court.

7. In this regard, useful reference can be made to the judgment of the Honourable Supreme Court in the case of *State of Maharashtra Vs. Tapas D. Neogy* reported in 1997 (7) SCC Page 685. This Court has also taken into



account the judgment of this Court in the case of *T.Subbulakshmi and another*

vs. The Commissioner of Police, Chennai-8 and others reported in 2016 (2)

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MWN (Cr.) 411.

8. In the present case, the Bank account has been freezed without notice to the petitioner and without a report submitted to the Magistrate. Therefore, the action on the part of the respondent police in freezing the Bank account of the petitioner maintained before the 5th respondent Bank is completely vitiated and it is unsustainable in the eyes of law. Therefore, fifth respondent is directed to de-freeze the bank account of the petitioner keeping lien over a sum of Rs.72,000/-. The petitioner shall operate his Bank account other than Rs.72,000/-.

9. With the above directions, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25-09-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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