



Crl.R.C.No.2625 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2625 of 2025

and Crl.M.P.No.22998 of 2025

Mariappan

... Petitioner

Vs.

1. State by the Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.

2. The Inspector of Police,
Special Investigation Team,
Mines & Minerals,
Coimbatore.

3. The Bank Manager,
Union Bank of India,
Negamam Branch,
Pollachi

4. The Bank Manager,
Indian Overseas Bank,
Sevalpatti Branch,
Virudhunagar

... Respondents

Prayer: Criminal Revision Case filed under Section 397 of Criminal



Procedure Code, 1973, to call for the records and set aside the order passed by the learned Judicial Magistrate – VI, Coimbatore in Crl.M.P.No.9120 of 2025 against Crime No.210 of 2024 dated 01.11.2025.

For Appellant : Mr.Abdul Saleem
Senior Advocate
for Ms.S.Deepika

For R1 and R2 : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The revision challenges the order passed by the learned Judicial Magistrate–VI, Coimbatore, in Crl.M.P.No.9120 of 2025, dated 01.11.2025, in Crime No.210 of 2024, by which the learned Magistrate while allowing the de-freezing of the accounts of the petitioner had imposed the condition that the amounts lying in the bank accounts as on 01.11.2025 shall remain frozen.

2. It is the case of the petitioner that he came to know that Crime No.210 of 2014 has been registered for the offences under Section 303(2) of



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BNS read with 21(1) Mines and Minerals (Development & Regulation) Act, 1957 and was later altered to Sections 111, 303(2), 318, 336(2), 336(3), 340(2) of BNS and Section 21(2) of the Mines and Minerals (Development & Regulation Act) 1957, based on the complaint of the Village Administrative Officer to the effect that an illegal mining took place between 23.08.2024 to 30.08.2024 in a land situate in S.F.No.248/1A owned by on V.N.Solai. The respondents on 22.02.2025 had sent a communication to the banks where the petitioner had maintained accounts, directing them not to permit the operation of the accounts. Thereafter the petitioner had filed Crl.M.P.No.9120 of 2024 before the learned Judicial Magistrate VI, Coimbatore, for de-freezing of those accounts, and by the impugned order, the learned Magistrate while ordering de-freezing of the accounts had observed that the amounts lying in the bank accounts as on 01.11.2025 shall remain frozen.

3. Mr.Abdul Saleen, the learned senior counsel appearing for the petitioner would submit that the petitioner is not involved in the alleged offences, that the prosecution has no basis to hold that the petitioner is guilty



of the offences; and that in any case the freezing of the accounts is contrary to the procedure contemplated under the Criminal Procedure Code, that the learned Magistrate while holding that the accounts have to be de- frozen, had erroneously held that the amounts lying as on 01.11.2025 alone have to be frozen, which is without any basis, and prayed for setting aside the impugned order.

4. The learned senior counsel would further submit that the amounts lying in the banks were the sale proceeds of the property that he sold in the year 2024 for a sum of Rs.94,00,000/- and therefore, it cannot be said that the said amounts were the proceeds of crime.

5. The learned Government Advocate (Crl.Side) for the respondents 1 and 2, *per contra*, would submit that the petitioner is involved in the offences for which an investigation is still pending, and there are mobile phone and CDR records to prove the involvement of the petitioner; that the petitioner had frequently spoken to the lorry owners and royalty Collector, which would prove the involvement in the alleged crime; that the amounts



which were sale proceeds was credited to his account maintained by him in Indian Overseas Bank, and subsequently the petitioner had transferred the said amount to another bank account and has been using the said amount for his personal purposes; and that the respondent has sufficient reasons to suspect that the amount which is lying in the accounts maintained by the petitioner in the various banks have been earned through illegal soil mining activities.

6. This Court, at this stage cannot go into the question as to whether the petitioner is also involved in the alleged offences, which are being investigated by the respondents. However, it is seen from the impugned order that the learned Magistrate had directed the de-freezing of the accounts. The respondents have not challenged the said direction. The learned Magistrate had imposed a condition that the amounts lying in the bank accounts as on 01.11.2025 shall remain frozen. This Court is unable to comprehend as to what is the logic behind such a condition that was imposed by the learned Magistrate. It is the case of the petitioner that the amounts lying in the bank accounts were the sale proceeds of property that he had sold in May 2024. The respondents have not disputed the said fact in



their counter. The accounts were frozen pursuant to the communication issued by the respondents to the Bank Managers on 28.02.2025 and 01.03.2025, respectively. The respondents have not stated under what power they had issued such a communication. This Court is of the view that the power cannot be even traced to Section 102 Cr.P.C., for issuing such direction for the purpose of protecting the interest of the complainant. Unless the two conditions prescribed under Section 102 Cr.P.C. are satisfied, the respondents would have no jurisdiction to invoke Section 102 Cr.P.C. to freeze the bank accounts.

7. This Court had held in *Vaidhehi vs. The Deputy Superintendent of Police and others* in W.P.(MD) Nos. 500 to 502 of 2025, dated 17.09.2025, laid as follows:-

“12. Therefore, Section 102 of Cr.P.C. is not an enabling provision, by which, the Police officer acts to seize the property to do justice and to hand over the property to a person, whom, the Police Officer feels is the rightful and true owner as observed by the Hon'ble Supreme Court in the judgments extracted above.

13. Section 102 of Cr.P.C. or 106 of BNSS, 2023 can be invoked only if one of the two conditions are satisfied. The first condition is that the property must be alleged or suspected to have been stolen. The stolen property is defined in Section 410 of IPC or corresponding to Section 317 of BNS, 2023 reads as



follows.

410. *Stolen property.*—Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as “stolen property”, whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

14. It is not the case of the prosecution that the amounts lying in the Banks are stolen properties. It is their case that they are proceeds of crime committed by the petitioner's husband.

15. The second condition for invoking Section 102 Cr.P.C. is that the property must create a suspicion of commission of an offence. In other words, the Commission of the offence must have been detected on the recovery of the property. It is not so in this case. The amounts lying in the petitioner's accounts does not by itself create a suspicion of commission of any offence as even according to the prosecution, the petitioner's husband had a quarry license and had a thriving business. The respondents have detected the offence of excess mining during the course of their investigation in a relating to the death of workers. Thereafter on the presumption that the ill gotten money due to excess mining had been deposited into the accounts of the petitioner, they had chosen to instruct the Banks to freeze the accounts. Section 102 Cr.P.C. is not meant for such an action. The purpose and object of Section 102 Cr.P.C. is to help and assist investigation to enable the Police Officer to collect and collate evidence to prove the offence. The amounts lying in the Bank accounts of the petitioner would not in any manner be evidence



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to prove the offence. The amounts lying in the Bank accounts, at best, would enable the Government to recover the money, if ultimately, it is found that the petitioner's husband has committed any offence. For that purpose, attachment is the only option."

8. The above observations would squarely apply to the facts of this instant case. Hence, the accounts of the petitioner shall be de-frozen forthwith and the petitioner shall be permitted to operate the accounts without any condition. It is made clear that if it is the case of the respondents that movable or immovable properties of the petitioner have to be attached, it is open to them to file appropriate application under Section 107 of the BNSS, provided the conditions stipulated therein are satisfied.

9. With the above observations and liberty, this Criminal Revision Case is allowed. Connected Criminal Miscellaneous Petition is closed.

12.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Mac

Note: Issue order copy on 16.12.2025



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SUNDER MOHAN, J.

Mac

To

1. The Judicial Magistrate – VI, Coimbatore
2. The Inspector of Police,
Thondamuthur Police Station,

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Coimbatore District.

3. The Inspector of Police,
Special Investigation Team,
Mines & Minerals,
Coimbatore.

4. The Bank Manager,
Union Bank of India,
Negamam Branch,
Pollachi

5. The Bank Manager,
Indian Overseas Bank,
Sevalpatti Branch,
Virudhunagar

6. The Public Prosecutor,
High Court, Madras.

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