HC-KAR

CNR: KAHC010284192024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5173 OF 2024

BETWEEN:

ARUN PRAKASH. N
S/O NAGARAJAN
NO.33
AGED 40 YEARS,
GANDHI NAGAR 1 STREET,
THANTHONI,
KARUR-6390003

...PETITIONER

(BY SMT. RADHA R, ADVOCATE)

AND:

STATE OF KARNATAKA
BY WEST CEN CRIME POLICE,
BANGALORE CITY,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE

...RESPONDENT

(BY SRI. JAVEED S, HCGP)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 03.01.2024 PASSED BY THE XLV ADDL.C.M.M., BENGALURU PASSED ON I.A. FILED U/S 451 AND 457 OF CR.P.C. AND THE ORDER DATED 01.04.2024 PASSED BY THE LXI ADDITIONAL CITY CIVIL AND SESSIONS

JUDGE, BENGALURU IN CRL.RP.NO.106/2024 AND ALLOW THIE CRL.P.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioner has challenged the order dated 01.04.2024 passed in Crl.R.P.No.106/2024 by the LXI City Civil and Sessions Judge, Bangalore City (CCH-62), (for short, 'the learned Sessions Judge'), whereby the learned Sessions Judge has dismissed the revision petition and confirmed the order passed by the XLV Addl. Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate') dated 03.01.2024 by dismissing the application filed by the petitioner under Sections 451 and 457 of Cr.P.C.

2. The brief facts of the case are, one Vidya S. Virakta lodged a complaint before the respondent-Police against unknown person for the offence under Section 66D of Information Technology Act (for short 'the Act'). After registering the case, the respondent-Police called the petitioner and enquired him in respect of transfer of an amount of

Rs.2,19,091/- from his account. Subsequently, the said Police have issued a notice under Section 41A of Cr.P.C. and freezed the account of the petitioner bearing No.1227101042373 at Canara Bank. Thereafter, the petitioner filed an application under Sections 451 and 457 of Cr.P.C. to defreeze the account and to release the said amount in favour of him on the premises that he no way concerned neither for the offence under Section 66C nor 66D of the Act. However, the said application was dismissed by the learned Magistrate. Against which, the petitioner preferred a revision petition before the learned Sessions Judge in Crl.R.P.No.106/2024, the same has been dismissed by order dated 01.04.2024 as stated supra. Challenge to the same is *lis* before this Court.

3. Heard the learned counsel for the respective parties.

4. It is the primary contention of the learned counsel for the petitioner is that the petitioner is engaged in the business of crypto currency trading in Binance crypto currency app. Out of the said business transaction, a sum of Rs.2,19,091/- was credited to the account of the petitioner.

However, he is no way connected for the alleged offence under the provisions of the Act. In such circumstances, freezing of the amount of the petitioner is totally abuse of process of Court. Accordingly, he prays to allow the petition.

5. *Per contra*, learned HCGP fairly submitted that, now the respondent-Police have filed 'C' report in Crime No.409/2023, since the said Police were unable to trace the accused. Moreover, by virtue of the interim order passed by this Court dated 22.07.2024, the account of the petitioner was defreezed and a lien was created only in respect of Rs.2,19,091/-. Hence, he submits that, in view of filing of 'C' report, the petitioner is at liberty to approach the learned Magistrate for necessary orders. Accordingly, he prays to dispose of the petition.

6. I have given my anxious consideration to the submissions and perused the documents made available on record.

7. As could be gathered from records, admittedly, 'C' report has been filed by the respondent-Police in Crime No.409/2023. In pursuance of the interim order dated

22.07.2024, account of the petitioner in Canara Bank was defreezed, except lien created for a sum of Rs.2,19,091/-. In such circumstance, since respondent-Police filed 'C' report, I deem it just and appropriate to reserve liberty to the petitioner to approach the learned Magistrate in Crime No.409/2023 by filing necessary application to release the lien amount of Rs.2,19,091/- in favour of him. Upon such application, learned Magistrate shall consider the same in accordance with law by considering 'C' report filed by the respondent-Police. The petition is accordingly ***disposed of***.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 21