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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MRS.JUSTICE S.ALLI

CRL OP No. 14273 of 2025

CNR: {HCMA010958402025}

Selvi Mahalakshmi,
D/o.Ramalingam,
Soolankurichi Village,
Kallakurichi District.

..Petitioner(s)

Vs

1. The Superintendent of Police,
   O/o.The Superintendent of Police,
   Kallakurichi District.

2. The Inspector of Police,
   Cyber Crime Police Station,
   Kallakurichi.

3. The Branch Manager,
   Canara Bank,
   Kallakurichi Branch

4. The Branch Manager,
   Federal Bank,
   Suryanagar Branch,
   Bangalore.

5. The Branch Manager,
   ICICI Bank, Chamba Branch,
   Himachala Pradesh.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to direct the 1st and 2nd Respondents to issue an intimation to the banker, namely ICICI Bank, Champa Branch, Himachal Pradesh, and to defreeze the account and to transfer the above balance amount Rs.1,03,600/- (Rupees One

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Lakh Three Thousand and Six Hundered Only) to the petitioners account namely Selvi.Mahalakshmi. Canara Bank, Kallakurichi Branch, (A/c.No.11034706405 and IFSC CNRB0004724) Kallakurichi Taluk based on order passed in the Crl.MP.No.2908 of 2023 in Cr.No.23 of 2023 dated 26.03.2024 by the learned Judicial Magistrate Court, Kallakurichi.

For Petitioner(s): Mr.TN.Bhuvaneswaran

For Respondent(s): Mrs.R.S.Indira,
Additional Public Prosecutor for R1 & R2

No appearance for R3

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to take necessary steps through the fifth respondent bank to release the balance amount of Rs.1,03,600/- and transfer the same to the petitioner's bank account, pursuant to the order dated 26.03.2024 passed by the learned Judicial Magistrate No.II, Kallakurichi, in Crl.M.P.No.2908 of 2023 in Crime No.23 of 2023.

2.The petitioner had obtained a home loan of Rs.4,00,000/- from the Canara Bank, Kallakurichi Branch, on 22.09.2023. Subsequently, on 25.09.2023, an amount of Rs.1,90,000/- was debited from her Canara Bank account without her knowledge or authorisation and credited to her salary account maintained with Federal Bank, Suryanagar Branch, Bangalore. Thereafter, the said amount was fraudulently transferred in two transactions,

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namely, Rs.1,00,000/- and Rs.90,000/-, to an account maintained with the fifth respondent bank, ICICI Bank, Chamba Branch, Himachal Pradesh.

3.Upon discovering the unauthorised transactions, the petitioner lodged a complaint on 27.09.2023, pursuant to which CSR No.244 of 2023 was issued. Subsequently, a case in Crime No.23 of 2023 was registered by the second respondent police against an unknown accused for the offences under Section 420 of the Indian Penal Code, 1860 and Section 66-D of the Information Technology Act, 2000.

4.During the course of investigation, the second respondent police traced the destination account bearing No.199205002183, maintained with the fifth respondent bank in the name of one Sanjay Kumar, residing at Village Chungari, P.O. Rathiar, Tehsil and District Chamba, Himachal Pradesh. The second respondent police caused a debit freeze/lien to be marked on the said account through cybercrime reporting channels.

5.Thereafter, the petitioner filed Crl.M.P.No.2908 of 2023 before the learned Judicial Magistrate No.II, Kallakurichi, under Section 451 Cr.P.C., seeking interim custody and transfer of the amount of Rs.1,90,000/-. By order dated 26.03.2024, the learned Judicial Magistrate allowed the petition and directed the second respondent police to issue intimation to the fifth respondent

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bank to defreeze the amount of Rs.1,90,000/- and transfer the same to the petitioner's Canara Bank account.

6.Pursuant to the said order, the second respondent police communicated the judicial order to the fifth respondent bank. However, the fifth respondent bank remitted only a sum of Rs.86,400/- on 19.04.2024. The said amount was deposited before the learned Judicial Magistrate and subsequently transferred to the petitioner's bank account on the same day. Since the balance amount of Rs.1,03,600/- remained unrecovered, the petitioner submitted representations to the first and second respondents seeking necessary steps for recovery and transfer of the remaining amount. Since no further amount was received, the petitioner has approached this Court with the present petition.

7.The learned counsel for the petitioner would submit that the learned Judicial Magistrate No.II, Kallakurichi, by order dated 26.03.2024 passed in Crl.M.P.No.2908 of 2023, directed the release of the entire amount of Rs.1,90,000/- lying in the account maintained with the fifth respondent bank and its transfer to the petitioner's Canara Bank account. However, only a sum of Rs.86,400/- was recovered and transferred to the petitioner's account, leaving a balance amount of Rs.1,03,600/- yet to be recovered. Though the petitioner submitted representations to the first and second respondents seeking necessary action, the remaining amount has not been recovered. Therefore, the learned

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counsel would pray that this Court may issue a direction to the respondents 1 and 2 to take necessary steps through the fifth respondent bank to release the balance amount of Rs.1,03,600/- and transfer the same to the petitioner's account.

8.The learned Additional Public Prosecutor appearing for respondents 1 and 2 would submit that, pursuant to the order passed by the learned Judicial Magistrate No.II, Kallakurichi, the respondents 1 and 2 took necessary steps to recover the amount due to the petitioner. Accordingly, a sum of Rs.86,400/- was remitted by the fifth respondent bank, deposited before the learned Judicial Magistrate and thereafter transferred to the petitioner's bank account. However, the remaining amount of Rs.1,03,600/- could not be recovered, as there was no available balance in the account of the accused, Sanjay Kumar, maintained with the ICICI Bank, Chamba Branch, Himachal Pradesh. The learned Additional Public Prosecutor would further submit that the second respondent police is taking necessary steps to trace the accused and recover the remaining amount. Hence, the learned Additional Public Prosecutor would pray for dismissal of this petition.

9.This Court has carefully considered the rival submissions made on either side and perused the materials available on record, including the status report filed by the second respondent.

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10.Admittedly, the learned Judicial Magistrate No.II, Kallakurichi, by order dated 26.03.2024 passed in Crl.M.P.No.2908 of 2023, directed the release of the amount of Rs.1,90,000/- lying in the account maintained with the fifth respondent bank and its transfer to the petitioner's Canara Bank account. Pursuant to the said order, a sum of Rs.86,400/- was recovered from the said account, deposited before the learned Judicial Magistrate and subsequently transferred to the petitioner's account on 19.04.2024. Thus, the remaining amount of Rs.1,03,600/- is yet to be recovered.

11. In the status report filed by the second respondent, it is stated that the non-remittance of the remaining amount was neither due to any delay nor any default or negligence on the part of the second respondent police. On examination of the certified statement of account relating to the accused's ICICI Bank account bearing No.199205002183, it was revealed that the said account was a multi-jurisdictional cyber fraud pool account against which several statutory liens, attachments and debit orders had been concurrently issued by various competent Courts and law enforcement agencies across multiple States in India.

12.It is further stated that, between 26.03.2024 and 15.04.2024, the fifth respondent bank had executed several Court orders in respect of the said account, including the following debit transactions:

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(i) Rs.1,50,000/- on 26.03.2024;

(ii) Rs.50,000/- on 02.04.2024;

(iii) Rs.90,000/- on 03.04.2024;

(iv) Rs.1,50,000/- on 03.04.2024;

(v) Rs.1,90,000/- on 03.04.2024;

(vi) Rs.2,93,600/- on 04.04.2024; and

(vii) Rs.1,13,452/- on 15.04.2024.

13.According to the second respondent, after satisfaction of the aforesaid multi-jurisdictional Court orders, the surviving balance in the said account was Rs.86,400/-. Upon remittance of the said amount in compliance with the order passed by the learned Judicial Magistrate No.II, Kallakurichi, on 19.04.2024, the available balance in the accused's bank account stood reduced to zero. Consequently, no further liquid assets or credit balance was available in the said account for defreezing or release.

14.The status report further discloses that the second respondent police has been taking steps to trace the accused, who is residing at Chamba District, Himachal Pradesh, and to recover the remaining amount of Rs.1,03,600/-. It is also stated that a statutory notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, was issued to the accused, Sanjay Kumar, and an inter-

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State Cybercrime Investigation Assistance Request was transmitted through the SAMANVAYA Portal, seeking assistance from the jurisdictional police authorities at Chamba District, Himachal Pradesh, to execute the process and secure the presence of the accused. The second respondent police has also undertaken to trace subsequent fund transfers and inspect secondary accounts operated by the accused and to take necessary steps in accordance with law to recover the remaining amount.

15.From the materials placed on record, particularly the status report filed by the second respondent, it is evident that the fifth respondent bank had remitted the available balance of Rs.86,400/- in compliance with the order of the learned Judicial Magistrate and that no further balance remained in the said account for release. In such circumstances, the non-remittance of the remaining amount cannot be attributed to any delay or negligence on the part of the respondents 1 and 2, as the amount was not available in the said account at the relevant point of time.

16.However, the remaining amount of Rs.1,03,600/- is yet to be recovered. The respondents 1 and 2 shall therefore continue their efforts to trace the accused, ascertain the subsequent movement of the funds and take necessary steps in accordance with law to recover the remaining amount of Rs.1,03,600/- as expeditiously as possible.

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17.In view of the foregoing discussion, this Court is not inclined to issue a direction to the fifth respondent bank to release the remaining amount from the said account, as no available balance remains therein.

18.Accordingly, this Criminal Original Petition stands dismissed with a direction to the respondents 1 and 2 to continue their efforts to trace the accused and recover the balance amount of Rs.1,03,600/- as expeditiously as possible.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
CDA

To

1.The Judicial Magistrate Court, Kallakurichi.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Kallakurichi District.

3.The Inspector of Police,
Cyber Crime Police Station,
Kallakurichi.

4.The Public Prosecutor,
High Court of Madras.

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S.ALLI, J.

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