



CRL RC(MD). No.871 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/06/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.871 of 2026
and
CRL MP(MD). No.10066 of 2026

M/s. Axis Bank Limited,
represented by the Branch Operations Head
P.Pragadeeshwaran

... Petitioner

Vs

1. Arthy Simon

2. State of Tamilnadu Rep by
Inspector of Police,
CCD - III Police Station,
Madurai City.
C.S.R.No.1363 of 2024.

3. M/s.The Idfc Bank Limited,
The Square, C-61, G-Block,
Bandra Kurla Complex,
Bandra (East)
Mumbai - 400 051,
Maharashtra.

4. M/s.The Bandhan Bank,
Floors 12-14, Adventz Infinity @ 5,
BN 5, Sector V,
Salt Lake City,
Kolkata -700 091,
West Bengal.



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5. M/s.The Kotak Mahindra Bank,
27 Bkc, C-27, G-Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai - 400 051.
Maharashtra.

6. M/s.The Ratnakar Bank,
One Indiabulls Centre,
Tower 2b, 6th Floor,
841, Senapati Bapat Marg,
Lower Parel(Vv), Mumbai - 400 013,
Maharashtra.

7. M/s.The Uco Bank,
10, B.T.M. Sarani,
Kolkata - 700 001.
West Bengal.

... Respondents

PRAYER :-

To call for the records pertaining to the order dated 13.10.2025 passed in Crl.M.P. No. 4456 of 2025 in CSR No. 1363 of 2024 on the file of the Judicial Magistrate No.1 Court, Madurai and set aside the same.

For Petitioner : Mr. M Senthilkumar,
Advocate.

For Respondent : Mr.D.Rajaboopathy for R2
Counsel for State of TN



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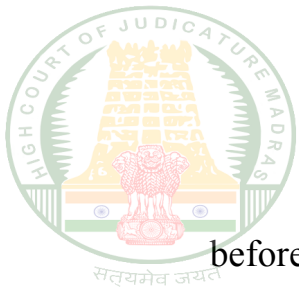
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ORDER

This Criminal Revision Case is filed seeking to call for the records pertaining to the order dated 13.10.2025 passed in Crl.M.P. No. 4456 of 2025 in CSR No. 1363 of 2024 on the file of the Judicial Magistrate No.1 Court, Madurai and set aside the same.

2. Already a memo has been filed before the Registry by the learned counsel for the petitioner seeking to dispense notice to respondents 3 to 7 and therefore notice to respondents 3 to 7 is dispensed.

3. The learned counsel for the petitioner submitted that at the instance of the second respondent's letter and PS Cyber, South West District, New Delhi, the account of the first respondent was freezed. The learned counsel for the petitioner further submitted that the first respondent had filed a petition under Section 497 and 503 of BNSS for transferring money from the suspicious account which was frozen by the second respondent police, to the Court account and subsequently transfer the same to the petitioner's account. The case of the first respondent



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before the learned trial court is that on 2024 May, the petitioner received a message from 7305354795 that 706 VIIFL Official Community Trading was introduced to the first respondent and the first respondent having followed the advice of IPO trading, had sent a total amount of Rs. 24,61,000/- on various dates and get back the amount of Rs.15,000/-. Having realised that she had been cheated for the balance amount of Rs. 24,46,000/-, she gave a complaint to Cyber Crime authority, Madurai and the said police had registered a case in CSR.No.1363 of 2024. Pursuant to which a First Information Report in Crime No.84 of 2025 was also registered on 10.09.2025. Thereafter the said police had conducted the enquiry and had frozen the amount of Rs.24,46,000/-. Since the said amount belonged to the first respondent, the first respondent filed the said petition before the learned trial court. However, after considering the rival submissions, the learned trial court directed to release the amount and allowed the said petition on the conditions :

i)The Respondent police is hereby directed to co-ordinate with the Nodal officer / Bank Manager to the concern Bank for transferring the amount of Rs. 1,44,678.31 from suspect A/c.No.923020043420689, IFS : UTIB0002902, Rs.5,135.51 from suspect A/c.



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20100027766538, Bandhan Bank Ltd., IFSC : BDBL0002429, Rs.1,00,000/- from suspect A/c. 1548183460, Kotak Mahindra Bank, IFSC:KKBK0003039, Rs.5,762.68 from suspect A/c. 08140210007525, IFSC:UCBA0000814 to the petitioner Ac.No.20101819630, State Bank of India, Ellis Nagar Branch, IFSC : SBIN0018327 and report it before this Court on or before 27.11.2025.

ii) Petitioner shall execute a bond for Rs. 2,55,576.5/- with one surety.

iii) Petitioner shall produce the property when require by this Court. "

Challenging the same this criminal revision case is filed.

4. The ground on which the challenge is made by the petitioner bank is that in the said frozen account, no money subsists and the account remains as a NIL balance account. Hence the question of returning back the amount of Rs.2,55,576.5/- will not arise because there is no amount at all.



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5. The learned counsel for the petitioner categorically contended that the impugned order was passed without issuing notice to the petitioner Bank and without affording an opportunity of hearing, despite the petitioner Bank being directed to act under the said order. The same would violate the principles of natural justice and has resulted in a direct conflict with a prior judicial order dated 28.09.2024 passed by the Hon'ble Judicial Magistrate, Patiala House Courts, New Delhi, which was subsequently reaffirmed by order dated 17.05.2025. The learned trial Court failed to consider the binding nature and subsistence of the earlier orders, which had already been complied with by the petitioner Bank. In view of the same no balance is remaining in the frozen account and the question of return the money will not arise and sought for indulgence of this Court.

6. Learned counsel for the petitioner submitted that there is no infirmity in the impugned order passed by the learned Judicial Magistrate and the first respondent suffered serious loss and it is the bounden duty of the Bank to comply with the order.



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7. Learned counsel for the second respondent submitted that the petitioner's complaint was duly received, an enquiry was conducted and a First Information Report in Crime No.84 of 2025 was also registered. However the aspect of return of money could be dealt with only in terms of the available amount in the frozen account.

8. Heard either sides and carefully perused the materials available on record.

9. It is seen from the impugned order as contended by the learned counsel for the Petitioner Bank that the impugned order has been passed without hearing the petitioner Bank. Only after setting the petitioner Bank who was impleaded as a 3rd respondent *as ex parte*, arguments were heard. Hence, this Court finds merit in the argument made by the learned counsel for the petitioner. In view of the same the impugned order dated 13.10.2025 passed in Crl.M.P. No. 4456 of 2025 in CSR No. 1363 of 2024 by the learned Judicial Magistrate No.1, Madurai, is set aside, as far as the petitioner Bank is concerned.



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WEB COPY 10. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition stands closed.

03.06.2026

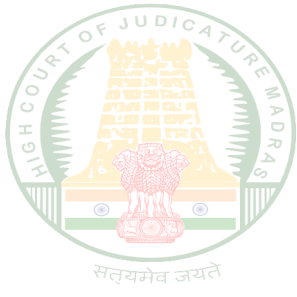
NCC : yes / no

Index : yes / no

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To

1. Judicial Magistrate No.1 Court, Madurai.
2. The Inspector of Police, CCD - III, Police Station, Madurai City. C.S.R.No.1363 of 2024.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J.

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ORDER
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