IN THE COURT OF JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI

Present : Thiru.S.Packiaraj, B.A., B.L.,
Judicial Magistrate No.IV,
Thoothukudi.

Thursday the 30th day of July 2026

Crl.M.P. No. 1655 / 2026

Mahalingam (Age 47/2026), S/o. Pitchaiya.	… Petitioner / Complainant / Owner of Money
/Vs/	
Inspector of Police, Cyber Crime Police Station, Thoothukudi. CSR No. 1037/2026	… Respondent

This petition came on 30.07.2026 for final hearing before me in the presence of Mr.P.S.Sundaram., M.A., M.L., advocate for the petitioner and of the Assistant Public Prosecutor of Judicial Magistrate Court No.IV, Thoothukudi for the respondent and hearing of both sides and upon perusing the documents on record and having stood over for consideration till this day, this court delivered the following:

ORDER

1) Petitioner filed by the Petition U/s. 503 BNSS.

This Petition has been filed by the Petitioner seeking the relief of hand over the money of Rs.1,04,540/-.

2) Submissions of the counsel for the petitioner:

In the petition filed by the petitioner/defacto complainant, it is stated that a sum of Rs.1,04,540/-, which is traceable to the amount paid by the complainant and lying in the bank account of the accused, has been debit frozen. Therefore, the petitioner has prayed that this petition may be allowed and the said amount be released in his favour.

3) Submissions on behalf of the state :

In the counter statement filed by the Police, it is stated that a sum of Rs.1,04,540/- being the amount relatable to the payment made by the complainant, has been debit frozen in the bank account of the accused. It is further stated that several persons across India, similarly situated to the present complainant, may also have been cheated by the accused and that such victims are likewise entitled to compensation/restitution. The Police have further submitted that the investigation is still in progress and, therefore, they object to the release of the amount from the bank account to the present complainant at this stage. Accordingly, they have requested that the petition be dismissed.

4) Point for consideration

The seminal question that arises for consideration, in this case is Whether this petition is liable to be allowed or not ?

5) Discussion for consideration

(i) To understand the scope of powers that the investigating authorities possess to freeze a bank account, one needs to dive into the source of the power itself. This source can be traced to Section 106 of the BNSS. A bare reading of section 106 BNSS, it is crystal clear that police officer has the power to seize any property which may be alleged or suspected to have been stolen or which may be found in a situation which creates suspicion in creation of any offence, however, the sine qua non for exercise of this power is that firstly the property must have a direct link alleging to the offence; secondly, the seizure to be submitted forthwith to the Judicial Magistrate; and thirdly, if the police officer has to consider that continued retention of the property in police custody may not be considered necessary for the purpose of investigation, he may give the custody thereof to any person of his executing bond undertaking to produce property before the court as and when required.

(ii) The Investigation Officer has suspected that the moneys swindled were secreted by the accused persons in their Bank accounts. Thus, he took steps to freeze the Bank accounts. and such freezing of the Bank accounts shall be reported to the jurisdiction Magistrate. When it is to be reported has been stated in Section 106(3) Cr.P.C. It is stated therein that it shall be reported "forthwith" to the jurisdiction Magistrate. The reporting of the freezing of the Bank accounts is mandatory. Failure to do so will vitiate the freezing of the bank account. In this back drop of the matter, the word "forthwith" shall mean 'immediately', 'without delay', 'soon'.

(iii) Once the court has been informed of freezing of bank account, the requirement of statute stands fulfilled. Section 497 of BNSS enables the trial court to grant interim custody pending trial and Section 503 also vests power in the Magistrate to deal with the property as deemed proper and necessary. An accused whose property is seized by the police officer can file application to grant interim custody.

(iv) It is to be noted that the rampant rise of white-collar crimes and economic offences is **ubiquitous** and often cited as a **gnawing** threat to economic interests of the Defacto complainant.

(v) Where the property which has been the subject-matter of an offence is freezed or seized by the police, it ought not to be retained in the custody of the Court or of the police for any time longer than what is absolutely necessary.

(vi) Whatever be the situation, it is of no use to keep such-freezed case properties at the police custody for a long period. To avoid such a situation, this court is of view, powers under Section 497 BNSS. should be exercised promptly and at the earliest. Therefore, the plea of the petitioner in this regard is sustainable.

6) Details of amount sent by the petitioner

Now coming to this petition, on going through the materials, it can be seen that on vaious dates the Bank Account of Accused has been frozen by the police, when the Bank Account of Accused has been frozen by the police, there was Rs.1,07,517/- in the Account. In this case defacto complainant has sent Rs.1,04,540/- to the accused account. On perusal of the documents Accused has one account maintained by him.

The defacto complainant has sent totally Rs.1,04,540/- to the Accused bank account of Indian Bank.

7) Details of Amount available in the accused account :

At the time of freezing accused's account by the police there was totally Rs.1,07,517/-

8) Details of Eligible Amount for the petitioner :

On perusal of Bank Account Details, i.e., after freezing of Bank account by police, it comes to know that, the defacto complainant is eligible only to the amount of Rs.1,04,540/-.

9) Conclusion

Therefore, the respondent police is ordered to be defreeze the account of accused and withdraw of Rs.1,04,540/- only and respondent police is ordered to freeze the account of accused again.

10) **Details of Amount :**

Details of amount Rs.1,04,540/- which is ordered by this court in favour of complainant as follows :

S.NO.	Accused Bank, Account Number & IFSC Code	Petitioner Transaction Amount	Freezed Amount	Eligible Amount
1	Central Bank of India A/C No. 5951386916 CBIN0283490	3,26,124	8644	8644
2	State Bank of India A/C No.45070028270 SBIN0017983	87,500	3533	3533
3	Punjab and Sind Bank A/C No. 08941000042721 PSIB0000366	1,07,000	1206	1206
4	Canara Bank A/C No.110299410993 CNRB0006646	16,751	19095	16,751
5	UCO Bank A/C No.198201100052105 UCBA0000117	1,32,000	63	63
6	State Bank of India A/C No.45009737621 SBIN0005475	35,000	33,703	33,703
7	State Bank of India A/C No.45016022332 SBIN0050325	1,000	31	31
8	Punjab National Bank A/C No.5188100100019194 PUNB0747500	3,500	4133	3500
9	Bank of India A/C No.606310110014068 BKID0006023	1,13,400	15,990	15,990
10	Indian Bank A/C No.8275818672 IDIB000T056	41,000	777	777

11	Indian Bank A/C No.8286411381 IDIB000T056	48,000	20342	20342
Total amount		9,11,275	107517	104540

11) Decision :

In the result, this petition succeeds and hereby allowed with the following conditions.

12) Details of Bank account of Complainant:

Victim Account Bank	Account Number	IFSC Code
Indian Bank	A/C No.545096973	IDIB000M083

13) Conditions :

1. The petitioner shall execute a bond for sum of Rupees 10,000/- with two sureties
2. The petitioner shall produce Bank Account statement After Receiving the alleged amount Rs.1,04,540/-
3. The petitioner shall produce the alleged amount as and when the court ordered.
4. After the police defreezed the Account of Accused and withdraw the amount of Rs.1,04,540/- the police shall again freeze the Account of Accused.
5. Therefore the respondent and the respective bank is ordered to defreeze the account of the accused and transfer the mentioned eligible amount if insufficient, transfer the available ledger balance to the victim bank account. Also the respondent and the respective bank is ordered to freeze the account again.

The above order was dictated to Typist typed by her and verified, pronounced me in the open court this the 30th day of July 2026.

S PACKIARAJ

Digitally signed by S PACKIARAJ
Date: 2026.07.30 15:58:14 +0530

Judicial Magistrate No.IV,

Thoothukudi.