**<u>IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, KARUR.</u>**

**Present: Thiru. M. CHARLES ALBERT, B.Com.,B.L.,**
**Judicial Magistrate No. II, Karur.**

**Thursday, the 18th day of June, 2026**

**Crl.M.P. No. 638 of 2026**
**In**
**C.S.R. No. 305/2026**

**Mr. Thiruvarutchelvar,**
S/o.Sellamuthu,
No.95, V.O.C Nagar, Jeyamangalam,
Periyakulam,
Theni - 625803. .... Petitioner/defacto-complainant

-Vs-

1. **The State,**
Rep. by The **Sub-Inspector of Police,**
District Cyber crime Police Station,
Karur.
**C.S.R.No. 305/2026**

2. **The Branch Manager,**
Indusind Bank Ltd., Locknow Branch,
No.19, AshokMarg, Newal Kishore Road,
Locknow, Uttar Prades -226001.

3. **The Branch Manager,**
Indusind Bank Ltd., Karur Branch,
1st Floor, Kovai Main Road opp,
LGB Petrol Bunk, Karur – 639002.

.....Respondents/complainant

This petition coming on today for final hearing before me in the presence of Advocate **Thiru. V.Periyasamy, B.Sc., B.L.,** appearing for the petitioner and **Selvi.R.Murugeswari,B.A.,B.L.,** Assistant Public Prosecutor Grade II appearing for the Respondent, and upon hearing the arguments of both sides and having stood over for consideration till this day, this Court has passed the following:

**ORDER**

This petition is filed under section 497 and 503 of B.N.S.S. 2023 for directing Respondent to defreeze and send the petition mentioned amount from their custody to the petitioner's petition mentioned account.

**1. Gist of the petition:**

The petitioner is the defacto complainant in this case. The case of the petitioner is that an unknown person has contacted him but without displaying anything in the mobile screen after answering the call sum of Rs.49,999 was debited from his bank account automatically. Then on knowing that he was cheated he filed complaint before the respondent and his complaint was registered in C.S.R.No.305/2026 and the amount which was duped from him and available in the fraudster bank account referred above, has been frozen by the Bank officials in compliance to the order passed by respondent/police. The learned Counsel for the petitioner has submitted that he is in the need of money he wants the said amount and hence, petitioner prays for directing Respondent to defreeze and transfer the petition mentioned amount from their custody to petition mentioned petitioner's bank account.

**2. Gist of the reply filed by the Respondent no.1**

The respondent/prosecution side filed detail reply stating that the said case investigation is still pending and accused still absconding. If this petition is allowed the petitioner will not produce the property during trial stage. Hence the prosecution stated objection for transferring the amount from the freezed petition mentioned bank account to the petitioner's bank account.

**3. Gist of the reply filed by the Respondent no.2**

The respondent no.2 has filed detail reply stating that the account bearing No.201007809645 is maintained with the respondent bank at its Lucknow Branch. The account is currently active with a balance of Rs.1,33,688.04/- Pursuant to notice issued by Cyber Crime Police Station, Karur under CSR No.291/2026, the Bank was directed to secure an amount of Rs.49,999.66/- corresponding to a transaction dated 23.03.2026. In compliance, lien of Rs.49,999.66/- was marked on 29.04.2026 and the said amount remains secured. The said account is also subject to another independent cyber fraud investigation, wherein lien has been marked pursuant to separate police notice. The account is therefore part of a multi-case investigation involving multiple claims, necessitating judicial determination before any release.

**4. Point for consideration:**

The point arised for consideration is Whether the petition filed by the petitioner under section 503 of B.N.S.S. 2023 is to be allowed or not?

**5. Point:**

**5.1.** Heard, Records perused. It is seen to have been cheated the petitioner by unknown person and he has deceived the petitioner by inducing to transfer total amount of Rs.49,999.66/- as mentioned below in the table.

Transaction details by Petitioner's Account – SBI Bank – A/c No.11280193113

| S.No. | Date | Transferee Account | Amount (Rs.) |
|---|---|---|---|
| 1 | 23.03.2026 | UPI/DR/522880904002/ MohdSho/INDB/im.2010078/ Paym0097690162095 AT 13393 AGRI COMM BRANCH THANTHONI | 49,999.66 |

**5.2.** On receipt of such information, Respondent has made entry as CSR No. 305/2026 and Investigating officer has initiated investigation on given bank account particulars by petitioner and found below bank account may be maintained by fraudsters and involved in cheating. So, Respondent has taken steps by utilizing the powers u/s.102 of Cr.P.C or 106 of BNSS to seize/freeze the available amount in the below mentioned account and said bank account was freezed accordingly. Thereafter, Respondent has also submitted the report before this court which amounts to compliance of Section 106(3) of the BNSS.

| Bank Name & Account number | Date | Transaction ID | Transaction Amount | Frozen Amount |
|---|---|---|---|---|
| Indusind A/c. No.201007809645 | 23.03.2026 | 522880904002 | 49,999 | 1,33,688.04 |

**5.3.** Even said account was freezed long back, said account holder not preferred to make any request/application to defreeze said account till now. Therefore, their conduct shows that, said freezed account holder would be duping the petitioner and said freezed money would be transferred fraudulently. Hence the notice to the account holder is dispensed in the petition since there is possibility of rendering the account with zero balance and the same would affect the interest of the petitioner.

**6. The Hon'ble Supreme Court of India in Sundar Bhai Ambalal Desai Vs. State of Gujarat reported in 2003 SCC Crl. 1943 has clearly held as follows:-**

" It is no use to keep such seized property in police station for a long time and it is for the Magistrate to pass the appropriate orders"

**7.** **Our Hon'ble HIGH COURT OF MADRAS** has directed in **R.O.C.No.42561-A/2024/F1** that " The Magistrate shall call for a report from the Cyber Police who may file an action taken report, affirming registration of the information and freezing of the amount in the bank after detecting the trail of money. If there is a nexus between the amount frozen, and the amount reported by the complainant cheated, then, without insisting on registration of FIRs, the Magistrates shall disposed of the application. The action taken report filed by the Cyber Police may be treated as report u/s.457 Cr.P.C(503 BNSS)".

**8.** It is seen from the records that the amount was debited unknowingly from the petitioner's said A/c No.**11280193113** (Layer 1) on 23.03.2026. During investigation, sum of Rs.1,33,688.04/- was freezed from said account Further, Respondent No.2 has stated about multi claims involving except said Rs.49,999.66/-. So, it shows that said freezed amount does not belonged to Account holder of Layer 1.

**9.** In the light of dictim stated by Hon'ble Apex Court and direction given by the Hon'ble High Court of Madras, this court is of the considered view that from the available balance a sum of Rs.49,999.66/- should be returned to the petitioner. If there is any reversal/return received from the above account otherwise and there is any claim over the same by the third party the same shall be decided in separate application which the petitioner is bound to comply.

**10.** On considering above, this court finds that there is nexus between amount Rs.49,999.66/- frozen and amount reported by the Complainant, petitioner is victim of cyber crime, scammed amount has been freezed, petitioner/defacto complainant is entitled to retrieve the amount, possibilities and chances that freezed amount may be transferred or disbursed, to secure the interest of petitioner/victim and interest of justice, this court is inclined to allow this petition that petitioner is entitled to claim sum of Rs.49,999.66/- from the said frozen Bank account at Respondent as interim custody by complying following conditions:

i) The Petitioner shall execute personal bond for sum of Rs.49,999/- (Rupees Forty Nine Thousand Nine Hundred and Ninety nine only) along with surety/sureties for like that sum.

ii) The petitioner has to produce the amount which would be transferred as and when required before this court.

iii) The petitioner shall pay process for issuing order of this copy to Respondent No.2 through post.

Upon such compliance of above said conditions, Office is directed to issue copy of order to Respondent No.2 through post and may also through e-mail.

i) Respondent No.2 shall defreeze the sum of Rs.49,999.66/- in said **A/c. No. 201007809645** to the petitioner's bank Account no.20022196769, IFSC – SBIN0013393 of State Bank of India, Thanthonimalai Branch, Karur District.

ii) The petitioner and respective said frozen bank officers shall report about receiving or transferring/defreezing the petition mentioned amount as per order of this court without delay.

iii) The Petitioner shall co-operate the investigation.

This order dictated by me to the Steno Typist and typed by her directly in the computer and corrected and pronounced by me in the open court on 18th day of June, 2026.

M CHARLES ALBERT

Digitally signed by M CHARLES ALBERT
Date: 2026.06.18 17:20:52 +0530

**JUDICIAL MAGISTRATE NO.II ,**

**KARUR.**