

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No..... of 2026
[@ SLP (Crl.) No.11879 of 2024]**

V.P. CHITRA

...APPELLANT

Versus

**THE STATE, REP. BY THE INSPECTOR
OF POLICE & ANR.**

...RESPONDENTS

O R D E R

1. Leave granted.
2. The appellant is the wife of the second respondent aggrieved with the prayer for de-freezing a bank account and release of properties seized having been denied by the learned Judicial Magistrate - 1, Kanchipuram in a petition under Section 451 of the Cr.P.C. which was affirmed in the impugned judgment by the learned Single Judge of the High Court.
3. The appellant is maintaining a savings bank account with the Karur Vysya Bank, Redhills Branch, bearing Account No.1664155000060896 which has been frozen and 18 sovereigns of gold jewellery of the appellant as also original title deeds of the appellant's father-in-law and the sister-in-law's husband and certain other

documents as also death certificate, legal heir certificate and other office files and personal files kept in the bank locker were seized on orders of the Investigating Officer (I.O). The details of the articles seized as available in the locker maintained by them in the Bank, are available in the letter addressed by the Branch Manager of the Karur Vysya Bank to the Inspector of Police, Central Crime Branch as extracted in the impugned order.

4. The allegation as discernible from the records is that the second respondent was appointed and continued as a temporary accountant in a temple. When verification of accounts were done forgery and misappropriation was deducted. The second respondent is said to have then attacked the Executive Officer based on which a case was registered before the jurisdictional Police Station. Later on, regarding the misappropriation, Crime No.184/2019 was registered and a charge-sheet has been filed. It is alleged that more than Rs.50,00,000/- was misappropriated from the temple, which allegations led to the seizure of the articles in the locker and the freezing of the account.

5. We notice from the impugned order that the account contained only Rs.2,000/- making the freezing inconsequential, if not futile. Insofar as the jewellery it is the claim of the appellant that it belongs to her, having been gifted by her parents at the time of her marriage. Insofar as the documents are concerned, we cannot but notice that some are prior to the commencement of the service of the second respondent in the temple, which is said to have commenced 10 years prior to 2019. The other seized documents are also in the name of third parties though close relatives.

6. If at all proceedings are taken against the assets of the second respondent, it has to be proved to have been acquired from the misappropriated amounts, which misappropriation has to be proved first. Further only through a civil suit, where the misappropriation is established and the acquisition of property based on the proceeds of such misappropriation proved, could there be a recovery effected. The mere freezing of an account having Rs.2,000/- balance or keeping attached the ornaments and the documents available in the Bank locker in a criminal case would not serve any purpose.

The documents of title prior to the petitioner's service can be of no use in the criminal prosecution and those in the name of close relatives during the period of his service, could be at best be used to allege benami transactions on the proceeds of misappropriation. The seizure of documents is unnecessary and in that circumstance, on release, duly attested true copy of the documents can be retained by the Magistrate's Court.

7. In the above circumstances, we are of the opinion that there is no reason to continue the freezing of the account or seizure of the articles. The orders passed by the learned Judicial Magistrate Court and the High Court are set aside. We direct the de-freezing of the account, the number of which is mentioned above and set aside the seizure of the articles in the locker. The Bank shall immediately de-freeze the account and release the articles including jewellery and the documents in the locker to the appellant or if the same has been produced before the Magistrate it shall be released by the Magistrate's Court on appropriate acknowledgement received from the appellant. If the release is made by the bank, it shall be ensured that the copies of the

documents are attested by the Branch Manager and the persons in whose name the locker is maintained, which shall be produced by the Branch Manager before the Magistrate's Court. If the documents were produced before the Magistrate's Court, true copies with attestation of the accused shall be obtained for retention before the Court and the original shall be released.

8. We make it clear that we have not spoken on the merits of the allegations levelled against the second respondent; neither on the misappropriation nor on the illegal acquisition, which would be adjudicated independently.

9. The appeal stands allowed.

10. Pending application(s), if any, shall stand disposed of.

..... J.
(J.B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI
JULY 17, 2026.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 11879/2024

[Arising out of impugned final judgment and order dated 04-06-2024 in CRLRC No. 979/2022 passed by the High Court of Judicature at Madras]

V.P. CHITHRA

Petitioner(s)

VERSUS

THE STATE REP. BY THE INSPECTOR OF
POLICE & ANR.

Respondent(s)

IA No. 195698/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 17-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Ms. N. S. Nappinai, Sr. Adv.
Mr. V. Balaji, Adv.
Mr. Asaithambi Msm, Adv.
Mr. C. Kannan, Adv.
Mr. Rakesh K. Sharma, AOR

For Respondent(s) : Mr. Sabarish Subramanian, AOR

M/S. Mukesh Kumar Singh And Co., AOR
Mr. Nizamuddin, Adv.
Mr. B.dhananjay, Adv.
Ms. Vidushi Aggarwal, Adv.
Mr. Kishore Kumar Kvd, Adv.
Mr. Sanjay Kumar Jha, Adv.
Mr. Chirayu Sharma, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Kadam Hans, Adv.
Ms. Maulshree, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Suresh Kumar Bhan, Adv.

For State

Mr. B. Karunakaran, AOR
Mr. Fazil, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)