



CNR: KAHC010154372026

NC: 2026:KHC:52419
CRL.P No. 3349 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 3349 OF 2026

BETWEEN:

SHAILAJA,
W/O RAJANNA,
AGED ABOUT 56 YEARS,
OCCUPATION HOUSEWIFE, 13TH CROSS,
LEELAVATHI BADAVANE,
WATER TANK ROAD, MADDUR -571428
MANDYA DISTRICT.

...PETITIONER

(BY SRI. ARCHANA MURTHY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY MADDUR POLICE MANDYA DISTRICT,
REPRESENTED BY S.P.P HIGH COURT,
BENGALURU-09.
2. DIVYA RANI C.R
W/O CHANDAN,
AGED ABOUT 29 YEARS,
OCC BUSINESS, SHIVAPURA MADDUR TALUK,
MANDYA DISTRICT - 571430.
3. CHANDAN
S/O ASHWATH,
AGED ABOUT 33 YEARS,
SHIVAPURA VILLAGE,
MADDUR TALUK MANDYA DISTRICT - 571429

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
R2 AND R3 ARE SERVED)

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RAMNATH HEGDE





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THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SETTING ASIDE THE ORDER OF THE LEARNED MAGISTRATE DATED 27/11/25 ON I.A FILED UNDER SECTION 94 OF IN C.C NO: 808/25 IN SO FAR AS NOT DIRECTING THE I.O TO SEIZE THE PETITIONERS GOLD ITEMS PLEDGED BY THE RESPONDENT NO:2 AND 3 AND CONSEQUENTLY DIRECT THE INVESTIGATING OFFICER TO SEIZE THE PETITIONERS GOLD ITEMS PLEDGED BY THE RESPONDENT NO: 2 AND 3 WITH THE RAJDHANI JEWELLERS MANDYA OR DIRECT THE I.O TO SEIZE THE PETITIONERS 250 GRAMS OF GOLD FROM THE RESPONDENT NO: 2 AND 3.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioner, learned High Court Government Pleader for respondent No.1-State.

2. There is no representation on behalf of respondents No.2 and 3 who have been served.

3. This petition is filed challenging the order dated 27.11.2025 passed on an application under Section 94 of the Code of Criminal Procedure, 1973 in C.C.No.808/2025, in terms of which the petitioner's application to seize the gold ornaments

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pledged with Rajdhani Bankers pawn brokers, Bazaar Street, Mandya, who is cited as C.W.8 is rejected.

4. Learned counsel for the petitioner would submit that the accused in the voluntary statement have admitted that the gold ornaments have been pledged with Rajdhani Bankers pawn brokers and the Investigating Officer was required to seize the gold ornaments, but the same is not done and same is very much required for adjudication of the case.

5. It is submitted that an application is filed to seize the gold ornaments and to produce the same before the Court. However, the application is rejected on the ground that investigation is already completed and the receipt for having pledged the gold ornament is marked.

6. Learned counsel appearing for the petitioner would submit that the marking of the receipt relating to pledging of gold ornaments by itself is not sufficient to adjudicate the case. The ornaments are also very much required for identification.

7. Learned High Court Government Pleader would submit that the application ought to have been allowed and the



gold ornaments which are pledged with the Rajdhani Bankers pawn brokers allegedly by accused No.2 and 3 were required to be seized and placed before the Court for identification during trial.

8. The Court has considered the contentions raised at the Bar and perused the records.

9. Admittedly, the complaint was filed alleging that the gold ornaments handed over to the accused were not returned to the complainant. C.W.8 has allegedly given a statement that gold ornaments have been pledged with him and the charge sheet also contains a alleged statement of accused who have allegedly stated that they have pledged the gold ornaments belonging to the petitioner before the Rajdhani Bankers pawn brokers.

10. The Court is of the view that the ornaments allegedly pledged are required to be seized and produced before the Court.

11. Hence, the following:

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ORDER

- (i) The Criminal Petition is ***allowed***.
- (ii) The impugned order is set aside.
- (iii) The Investigating Officer shall seize the gold ornaments said to have been pledged with C.W.8 by accused No. 2 and 3. The same shall be produced before the Trial Court. After proper identification and verification, same shall be kept in safe custody.
- (iv) It is made clear that this Court has not expressed anything about the merits of the prosecution case or the merits of the defence to be raised by the parties to the proceedings.
- (v) The Court has not expressed anything on the ownership of the said ornaments alleged to have been given by the complainant.
- (vi) C.W.8 if has any claim over the gold ornaments allegedly pledged, is also permitted to move necessary application as advised in law to make such claims permissible in law.

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(ANANT RAMANATH HEGDE)
JUDGE

GVP/List No.: 1 SI No.: 4