



CNR: KAHC010596882026

NC: 2026:KHC:55262
CRL.RP No. 1407 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 1407 OF 2026

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. MUTHOOT FINANCE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
HEAD OFFICE AT MUTHOOT CHAMBERS,
OPP. SARITHA THEATRE COMPLEX, BANERJEE ROAD,
KOCHI - 682018,
HAVING ONE OF ITS BRANCHES AT BUILDING
NO.43, MANCHIGAIAH COMPLEX, M.M. ROAD,
BANNUR - 574151,
REPRESENTED BY ITS AUTHORIZED OFFICER.
MR. SANTHOSH H B

...PETITIONER

(BY SRI. ANISH JOSE ANTONY.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BANNUR POLICE STATION,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560001.
2. MANOHARLAL,
S/O NARAYAN LAL,

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AGED ABOUT 39 YEARS,
R/AT RANGASAMUDRA VILLAGE, KASABA HOBLI,
T. NARASIPURA TALUK, MYSURU DISTRICT- 571101

...RESPONDENTS

(BY SRI.VINAY MAHADEVAIAH, HCGP FOR R1;
SRI.PREREET.B.JAIN, ADVOCATE FOR R2)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.PC (FILED
U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE
PETITIONER PRAYING TO SET ASIDE THE ORDER DATED
17.07.2026 PASSED IN SPL.C.NO.164/2026.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

Even though this petition is at the stage of admission,
with the consent of both sides, heard on merits.

2. This is the revision petition filed by the revision
petitioner challenging the order dated 17.07.2026 on an
application under Section 94, 97 read with 497 and 210 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short the
'BNSS, 2023') in Special Case No.164/2026 by the
Additional District and Sessions Judge FTSC-1, Mysuru.

3. The *de-facto* complainant has filed the aforesaid

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application before the trial Court praying for direction to Investigating Officer to forthwith seize the jewellery pledged before the present Revision Petitioner; to produce the seized article before the Court and to call for explanation from the Investigating Officer for failure to act in accordance with law and directions of the Court.

4. Investigating Officer has filed the charge-sheet after completion of investigation before the trial Court alleging the offences punishable under Section 66-E of Information Technology Act, 2008, Section 5(j)(ii), 5(l), 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 87, 303(1), 65(1), 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

5. It is stated in the charge-sheet that accused has stolen gold and silver jewels from the bag kept below the cloth stand in the house of CW.1 on 25.11.2025 and when CW.2 enquired about it, he threatened her and has pledged those golden articles before Muthoot Finance



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Limited, Bannur (the revision petitioner) and he then got released some of the gold articles and sold them to some third parties on 19.02.2025, etc.

6. Thus, there is specific allegation in the charge-sheet about theft from the house of CW.1 by the accused.

7. It is to be noted here that the present revision petitioner is Muthoot Finance and not a party in the criminal case. The present Revision Petitioner had filed Writ Petition No.4347 of 2026 before the Co-ordinate bench of this Court, which was disposed on 18.02.2026 by the Co-ordinate Bench of this Court and at that time the following Order was passed:

ORDER

"The petition stands disposed of calling upon the petitioner to retain the jewellery deposited until the orders of the learned Magistrate in the proceedings emanating from FIR in Crime No.268/2025 without in any manner diluting the same custody of such jewellery but on the stipulation that:

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i) the petitioner shall ensure that the jewellery is produced before the second respondent for completion of the investigation, and

ii) the petitioner shall also produce the jewellery when called upon by the jurisdictional Court which shall be at liberty to pass orders on the custody."

8. In that order, the Co-ordinate Bench directed the present Revision Petitioner to retain the jewellery until the orders of the Magistrate in Crime No.268/2025 and to produce before the second respondent (the Investigating Officer) for completion of the investigation and shall produce before the Jurisdictional Court when such an order is passed.

9. Based on this order, the Jurisdictional Court has passed the impugned order as under:

"The application dated 16.05.2026 filed by the Applicant under Section 94 & 97 R/w Section 497 & 210 of BNSS, 2023 is disposed off with following terms:-

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- 1. Issue intimation to Muthoot Finance Ltd, Bannur Branch to produce the Jewellery pledged by the Accused by name Rakesh Sencha along with copies of pledged documents, before the Investigating Officer, within 15 days from today.*
- 2. Upon production of the aforesaid Jewellery, the Investigating Officer shall forthwith seize the Jewellery in accordance with law and produce it before the Court by filing Property Form.*
- 3. The Investigating Officer shall value the Jewellery through Appraiser, take the photographs of the seized Jewellery and furnish the photographs both to the Court as well as to the Muthoot Finance Limited."*

10. The Sessions Court has passed an order directing the Revision Petitioner to produce the pledged jewellery by the accused before the Investigating Officer; immediately afterwards the Investigating Officer was directed to seize the same and produce before the Court with Property Form memo.

11. The aforesaid order is passed based on the direction of this Court in the earlier Writ Petition referred above.



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12. The ground argued by the Revision Petitioner in this case is that he was not given an opportunity of being heard because he is affected by the aforesaid order.

13. It is to be noted here that the revision petitioner is none other than the receiver of stolen property as per the charge-sheet averments. Hence, there is no question of he being heard before passing an order.

14. The second ground urged by the revision petitioner is that the trial Court has not followed the procedure prescribed under Section 107 of BNSS, 2023.

15. On perusal of Section 107 of BNSS, 2023, it is noticed that the procedure contemplated in said section is pertaining to attachment, forfeiture and restoration of property and not pertaining to production and seizure of the property involved in a criminal case.

16. Section 97 of BNSS, 2023 prescribes the mode of search of place suspected to contain stolen property,



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forged documents, etc. Under this provision, the Magistrate of I Class can direct, upon information and after such enquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, he may by warrant authorize any police officer above the rank of a constable to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies.

17. Based on this provision and also as per the directions of the order passed by the Co-ordinate Bench of this Court, the trial Court has passed the aforesaid order.

18. Here direction was issued to the revision petitioner to produce the article in question before the Investigating Officer and then Investigating Officer was directed to seize the same, mention it in PF memo and produce before the Court.

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19. The word "seizure" used in this order is only in respect of seizure of the property pertaining to a case. Only after such seizure and produced before the Court with PF memo, the trial Court or the Magistrate could get jurisdiction to pass an order under Section 497 and 503 of BNSS, 2023.

20. Thus, the order of seizure definitely does not affect the right of the revision petitioner.

21. Apart from pledging the article by the accused, if revision petitioner has any independent right over the article in question, it can agitate the same before the trial Court. It can file an application under Section 497 or under section 503 BNSS, 2023 for interim or final custody of the seized articles.

22. Hence, this Court holds that the right of the revision petitioner is not at all affected and the order passed by the trial Court is in accordance with law and not against any provision of law or not against the order

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passed by the Co-ordinate Bench of this Court. Hence, it requires no interference; thus, this Court passes the following:

ORDER

The revision petition is ***dismissed.***

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**(GEETHA K.B.)
JUDGE**

RS
List No.: 2 Sl No.: 15