

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.28184 OF 2012

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Between:

M/s. Muthoot Finance Limited,
Rep. by its Branch Incharge Mr. P. V. Ramana

.. Petitioners

And

The State of Andhra Pradesh,
Rep. by its Home Secretary,
Hyderabad, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28184 of 2012

ORDER:

M/s. Muthoot Finance Limited, Ernakulam, Kerala, acting through its Branch In-charge at Guntur, Andhra Pradesh, filed this writ petition assailing the notice dated 04.09.2012 issued by the Inspector of Police, Arundelpet Police Station, Guntur District, for seizure of the gold ornaments pledged with it by respondents 6 and 7 in relation to certain loans.

The afore-stated notice was issued under Section 91 Cr.P.C. in the context of Crime No.371 of 2012 registered on the file of Arundelpet Police Station, Guntur District. It appears that the said crime was registered under Sections 406, 420 and 506 I.P.C. read with Section 34 I.P.C. upon the complaint made by one Vunnava Gopala Rao against respondents 5 to 7 to the effect that they had developed friendship with him and upon their request, he gave them certain gold ornaments but they did not return the same thereafter. The complainant further stated that when he accosted the accused, they informed him that they had pledged the said gold ornaments with the petitioner company. It is in the context of this crime that the police authorities addressed the impugned notice under Section 91 Cr.P.C. However, in the body of the said notice, the police authorities not only asked for production of the gold ornaments but also stated that they would seize the pledged gold ornaments after identification. It is this proposed seizure that caused grievance to the petitioner company.

By order dated 14.09.2012, this Court directed the police authorities not to seize the gold ornaments. This order was extended thereafter from time to time but seems to have expired sometime in the year 2012. However, it is stated that no action was taken even thereafter by the police authorities.

The Sub-Inspector of Police, Arundelpet Police Station, Guntur, filed a counter-affidavit reiterating the afore-stated facts. Though an attempt was made to justify the proposed seizure of the gold jewellery, the

Sub-Inspector of Police concluded the counter by stating that unless

and until the petitioner company cooperates with the investigating agency in identification of the jewels which were pledged with it by the accused in Crime No.371 of 2012, it would be difficult for the police authorities to complete the investigation.

Learned Assistant Government Pleader for Home appearing for the police authorities states, on instructions, that the police are not interested in seizing the gold ornaments and that they only wish to undertake identification of the gold jewellery which is the subject matter of Crime No.371 of 2012.

Sri Ch. Venukumar, learned counsel for the petitioner company, would however contend that the complainant in Crime No.371 of 2012 alleged that his gold ornaments were taken away by respondents 5 to 7 only in July 2012 and asserts that the pledging of gold ornaments by respondents 6 and 7 with his client was prior thereto.

In any event, Section 91 Cr.P.C. deals with production of a document or thing upon a written order being given by the police authorities to the person in whose possession or power such document or thing is believed to be. Seizure upon such production is not contemplated under this provision. It is also significant to note that the case registered by the police authorities is not in relation to alleged theft of the gold jewellery. The legal parameters applicable to stolen property would therefore not apply to the case on hand.

As the learned Assistant Government Pleader for Home now confirms that the police authorities are not interested in seizing the gold ornaments pledged with the petitioner company and only wish to see the same for the purpose of identification and as the petitioner company itself undertook in para 17 of the affidavit filed in support of the writ petition to produce the gold jewellery as and when required in Crime No.371 of 2012, the writ petition is disposed of permitting the police authorities to seek production of the gold jewellery pledged with the petitioner company by respondents 6 and 7 for the purpose of identification. The petitioner company shall produce the said gold

jewellery as and when required by the police authorities or the court concerned, as the case may be.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

11th August, 2015

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