



WEB COPY



Crl.O.P.Nos.27592 and 27749 of 2022, etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.27592 and 27749 of 2022
and W.P.Nos.28149, 27376 & 28153 of 2022
and W.M.P.No.26578, 27439, 27441, 27443 & 27444 of 2022

Crl.O.P.No.27592 & 27749 of 2022:

Muthoot Finance Limited,
169, VAP Complex, Mysore Trunk Road,
Sathyamangalam, Erode,
Rep.by,
Regional Operation Manager,
Mrs.M.S.Hemavathi.

...Petitioner in Crl.O.P.No.27592 of 2022

Manappuram Finance Limited,
Rep by its Area Head,
Mr.G.Krishna,
S/o.Gurusiddasetty,
Having Office at
222, 1st Floor, Emphire Plaza,
NSC Bose Road, Chennai

...Petitioner in Crl.O.P.No.27749 of 2022

vs.

State by
Inspector of Police,
District Crime Branch,
Erode District, Erode,
(Crime No.12 of 2022)

...Respondent in Crl.O.P.No.27592 of 2022



Crl.O.P.Nos.27592 and 27749 of 2022, etc.,

1.The Inspector of Police,
Pallapatti Police Station, Salem.

2.Lakshmanan

3.Deepak Kumar

...Respondent in Crl.O.P.No.27749 of 2022

PRAYER in Crl.O.P.No.27592 of 2022:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the notice dated 06.10.2022 pending on the file of the respondent-police.

PRAYER in Crl.O.P.No.27749 of 2022:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected to the notice dated 29.10.2022 issued by the first respondent and quash the same.

For Petitioner in
Crl.O.P.No.27592 of 2022 : Ms.Revathi G.Mohan

For Petitioner in
Crl.O.P.No.27749 of 2022 : Ms.Malaikani

For Respondent
in both OPs : Mr.A.Gopinath,
Government Advocate.



CrI.O.P.Nos.27592 and 27749 of 2022, etc.,

W.P.Nos.28149, 27376 & 28153 of 2022:

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Manappuram Finance Limited,
Rep by its Area Head,
Mr.G.Krishna,
S/o.Gurusiddasetty,
Having Office at
222, 1st Floor, Emphire Plaza,
NSC Bose Road, Chennai

...Petitioner in W.P.Nos.28149 & 28153 of 2022

Kosamattam Finance Company, Rep by
Its Assistant Zonal Manager,
Mr.Kiran John,
S/o.C.J.John,
Having Office at,
Subbu Plaza,
State Bank Road,
Near Bank of Baroda,
Opposite to Railway Station,
Coimbatore.

...Petitioner in W.P.No.27376 of 2022

VS

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.
- 2.The Inspector of Police,
District Crime Branch,
Erode District.
- 3.The Sub-Inspector of Police,
District Crime Branch,
Erode District.



CrI.O.P.Nos.27592 and 27749 of 2022, etc.,

4.Tamil Nadu Grama Bank, Represented by
Its Regional Manager,
N.David Vijayakumar,
Coimbatore Region,
Coimbatore.

5.Manikandan,
The Branch Manager,
Dasappa Gounden Pudhur,
Erode District.

...Respondent

COMMON PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certirarified Mandamus, to call for the records connected with the summons/notice dated 07.10.2022 issued by the respondent No.3 under Section 91, 160 and 102 of the CrPC and quash the same and consequently to direct the respondent Nos.1 to 3 to constitute a committee to return the jewels mentioned in the notice to its original owners on payment of principal and interest payable to the petitioner.

For Petitioner

in all WPs : Ms.S.Malaikani

For Respondent

in all WPs : Mr.A.Gopinath,
Government Advocate, for R1 to R3
Mr.N.G.R.Prasad, for R4



CrI.O.P.Nos.27592 and 27749 of 2022, etc.,

COMMON ORDER

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The petitioners, who are the finance companies, have questioned the notice sent by the respondent-police under Section 105E of CrPC directing them not to deliver/transfer/auction/dispose of the gold that has been mentioned in the notice without prior permission of the investigation officer. Further, the petitioners have also been directed to furnish the details of the gold loan by virtue of a notice under Section 91 of CrPC and the same was questioned in these petitions. These notices were issued and these steps were taken by the respondent-police in the course of investigation in Crime No.12 of 2022.

2. Heard the learned counsel for the petitioners and the respondents and also heard Mr.N.G.R.Prasad, learned counsel, who is appearing on behalf of the Tamil Nadu Grama Bank, DG Pudur, Sathyamangalam and perused the materials available on record.

3. The learned Government Advocate, on instruction, submitted that the Manager, who was working with the Tamil Nadu Grama Bank, has misappropriated the gold to the tune of 2763.300 grams, which was nearly 345 Sovereigns. These misappropriated gold jewellery pledged in the Tamil Nadu



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Grama Bank, is worth about Rs.81,39,000/-. After misappropriation, it was re-pledged into the finance companies.

4. The learned Government Advocate has also brought to the notice of this Court the order passed by this Court in WP.No.27376 of 2022 dated 15.11.2022, wherein the respondent-police was directed to go ahead with the investigation and the concerned finance companies were directed to cooperate with the investigation. Further, he submitted that the finance companies are not cooperating with the investigation and they are not producing the relevant records and as a result, the respondent-police was not able to proceed with the investigation.

5. Per contra, the learned counsel for the petitioners/finance companies submitted that they are willing to corporate with the investigation.

6. In the considered view of this Court, the gold that was pledged with the Tamil Nadu Grama Bank was misappropriated by the Manager of that Bank and the investigation was pending in this regard in Crime No.12 of 2022. It is the specific case of the respondent-police that the misappropriated gold jewellery was re-pledged with the finance companies. Therefore, the investigation officer



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had to ensure that the gold jewellery/valuables, which have been identified, are kept intact by the finance companies and the finance companies were also directed to furnish the details of the gold loan obtained while re-pledging the gold jewellery. Such a step, that was taken by the investigation officer, is very much within his power and jurisdiction. Hence, the finance companies must effectively cooperate with the investigation officer by providing all the details. Only then, the misappropriated gold jewellery can be identified and it can be made as a material object in this case. Therefore, this Court does not find any ground to interfere with the notices issued by the respondent-police. Further, the petitioners are expected to cooperate with the investigation officer as directed by this Court by order dated 15.11.2022.

7. These petitions are disposed of in the above terms. Consequently, the connected miscellaneous petitions are also closed.

01.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.
- 2.Inspector of Police,
District Crime Branch,
Erode District, Erode,
(Crime No.12 of 2022)
- 3.The Inspector of Police,
Pallapatti Police Station, Salem.
- 4.The Sub-Inspector of Police,
District Crime Branch,
Erode District.
- 5.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

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