

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4430 OF 2025

Muthoot Fincorp Limited	]	Petitioner
Versus		
State of Maharashtra and another	]	Respondents

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Mr. Rahul Desai a/w Mr. Akhil Modi, for Petitioner.

Ms. Veera Shinde, A.P.P, for Respondent – State.

Mr. Kedar Waichal, Assistant Police Inspector, Ratnagiri City Police Station present.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 24th SEPTEMBER, 2025.

P.C:

1. Heard Mr. Desai, learned Counsel for the petitioner and Ms. Shinde, learned A.P.P, for respondent – State.

2. What we find in the present case is that the summons to produce stolen property which is mortgaged with the petitioner i.e two gold ornaments has been issued by the Investigating Officer. Section 94 of the Bhartiya Nagarik Suraksha Sanhita, 2023 deals with the summons which reads thus;

“94. Summons to produce document or other thing.-

“(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

“(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same”.

3. The Investigating Officer in exercise of power under section 94 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has felt it necessary or desirable for the purpose of investigation to direct the petitioner to produce the said gold ornaments before him at the time and place as stated in the summons. We do not find any reason to interfere with such a course adopted by the Investigating Officer.

4. Learned Counsel for the petitioner expresses an apprehension that the said stolen ornaments are likely to be seized by the Investigating Officer which is not permissible under section 94 of the Bhartiya Nagarik Suraksha Sanhita, 2023. However, such apprehension is unfounded as there is yet no compliance

of the summons under section 94 of the B.N.S.S. Learned Counsel for the petitioner, on instructions, undertakes to produce the said ornaments before the Investigating Officer either himself or through an authorized officer on 1st October, 2025 at 11.00 a.m. In case, any further consequence ensue which is not in accordance with the provisions of law so far as the said ornaments are concerned, liberty is kept open for the petitioner to resort to appropriate remedies.

5. With such liberty, the petition stands disposed of.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]