

Shailaja

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

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4545 OF 2025

Muthoot Finance Limited and another] Petitioners
Versus
The State of Maharashtra and others] Respondents

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Mr. Anand S. Patil, for Petitioners.

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

Mr. Govind Chandrashekhar Sardesai, for Intervener.

Mr. Sanjay Patil, P.S.I, Ajara Police Station, Kolhapur present.

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

DATE : 15th OCTOBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

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

2. The challenge in this petition is to the notice dated 6th October, 2025 issued by respondent No.4 under section 94 of the Bhartiya Nagarik Suraksha Sanhita, 2023 to produce gold ornaments. For the reasons mentioned in the petition, Mr. Patil submits that the Authorities are not justified in issuing such a

notice. It is further submitted that the petitioners are willing to permit the Investigating Agencies to inspect the gold ornaments required for the purpose of investigation. It is further submitted that the gold ornaments are in their safe custody. In any case, they will not be dealing with the said ornaments. He assures on instructions that such gold ornaments in their custody would be subject to appropriate orders passed by the Competent Court and they will not deal with or dispose of the gold ornaments without leave of the Competent Court.

3. Learned A.P.P, on the other hand, invited our attention to the order dated 24th September, 2025 passed by this Court in **Criminal Writ Petition No.4430 of 2025 (Muthoot Fincorp Limited Vs. State of Maharashtra and another)**.

4. We propose to take the same view as in **Muthoot Fincorp Limited** (supra).

5. In the present case, the summons to produce the property in dispute which is mortgaged with the petitioners i.e gold ornaments has been issued by the Investigating Officer.

6. 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”.

7. 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 petitioners 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.

8. Learned Counsel for the petitioners expresses an apprehension that the said gold ornaments which are in the custody of the petitioners 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 only the summons has been issued under section 94 of the B.N.S.S to produce the said gold ornaments.

9. Learned Counsel for the petitioners, on instructions, undertakes to produce the said ornaments before the Investigating Officer either himself or through an authorized officer on 27th 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 petitioners to resort to appropriate remedies.

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

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]