



Crl.O.P.No.23276 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 21.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.23276 of 2025 &
Crl.M.P.No.15904 of 2025

Manappuram Asset Finance Limited
17/35, 1st floor, Bharathi Salai,
Triplicane, Chennai – 600 005
rep. By its Area - Manager

...Petitioner

Vs.

1. The State rep. Through
The Inspector of Police,
ICE House Police Station,
Mylapore, Chennai

2. Vimalkumar Jain

...Respondent

Prayer:

Criminal Original Petition filed under Section 528 of BNSS Act, 2023 to call for the records relating to the impugned summons issued by the 1st respondent under Section 91 of Cr.P.C., dated 11.08.2025 and quash the same.

For Petitioner	: Mr.Sarath Chandran for Mr.A.S.Neelamarayani
For Respondents	: Mr.R.Vinothraja for R1 Government Advocate (Crl.Side)



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ORDER

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Challenging the summons issued by the 1st respondent under Section 91 of Cr.P.C., to produce the gold which has been pledged with the petitioner, the present petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and perused the documents placed on record.

3. The following is the background of the case:-

A.1 in Crime No.299 of 2023 said to have stolen the gold to an extent of 3500 gms from the defacto complainant and handed over the same to A.2. A.2 and his family members availed the loan from the present petitioner pledging the gold to an extent of 2804 gms and the petitioner advanced a loan for a sum of Rs.88 Lakhs. Therefore, to complete the investigation, the investigation officer has issued a summons under Section 91 of Cr.P.C., to produce the jewels. On an earlier occasion also, similar summons has been issued, which has been challenged in Crl.O.P.No.25619 of 2023 and by an order dated 09.11.2023, this Court disposed of the petition recording the statement of the learned Government Advocate (Crl.Side) that the production of the jewels was



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not required at present. Thereafter, on the application filed by the defacto

complainant in Crl.O.P.No.21433 of 2025, this Court, on 31.07.2025, has

directed the Investigation Officer to complete the investigation and to file a final report within a period of one month. In pursuant to the said direction, now, again the impugned summons has been issued seeking a direction to produce the gold.

4. It is the contention of the learned Government Advocate (Crl.Side) that the seized property has not been handed over by the petitioner, therefore, the 1st respondent is not able to produce the same before the concerned jurisdictional magistrate's court, hence, the final report has not been filed.

5. At the outset, this Court is of the view that if investigation officer files the final report and whenever the court concerned requires the production of property, the court itself can directly issue such notice to the petitioner. Admittedly, the jewels has been pledged by A.2 and availed loan. If the court, viz., learned II Metropolitan Magistrate concerned [now, Judicial Magistrate] may after taking cognizance of the offence, is of the view that the properties are required, may issue summons to the petitioner and on such notice / summons from the concerned court, the petitioner shall produce the same before the concerned magistrate court.



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Consequently, connected miscellaneous petition is closed.

21.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1.The State rep. Through
The Inspector of Police,
ICE House Police Station,
Mylapore, Chennai

2. The Public Prosecutor,
High court, Madras



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N.SATHISH KUMAR, J.

ssd

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