

HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

MAIN CASE No. **W.P.No.25081 of 2021**

PROCEEDING SHEET

| Sl. No. | DATE | ORDER | OFFICE NOTE |
|---------|------------|--|-----------------------------|
| 1) | 29-10-2021 | <p><u>CMR, J.</u></p> <p>Learned Government Pleader for Home takes notice for respondents 1 to 4 and requests time to file counter-affidavit.</p> <p>Learned Assistant Solicitor General of India takes notice for respondent No.7 and requests time to obtain instructions.</p> <p>Issue notice to respondents 5 and 6.</p> <p>Post the matter after two weeks.</p> <p><u>I.A.No.1 of 2021</u></p> <p>The petitioner herein is a Company incorporated under the Companies Act and it is in Non-Banking Financial business. It appears that a case in Crime No.351 of 2021 of Suryaraopet Police Station, was registered against some accused for the offences punishable under Sections 403, 419, 420, 406, 120-B r/w.34 of IPC and Section 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978. During the course of investigation, a notice under Section 91 Cr.P.C. was served on the petitioner on the ground that the accused, who were arrested in the said crime, confessed that some of the property relating to the said offence of cheating, was kept in the petitioner's company during the course of its business and thereby directed the petitioner to furnish the information sought for relating to the said crime within two days from the date of receipt of the notice and also requested</p> | Transferred to I.O. Folder. |

the petitioner not to conduct auction in respect of the said property or sell away the said property until further orders.

The petitioner now seeks to challenge the validity of the said notice issued under Section 91 Cr.P.C. in the main Writ Petition.

Learned counsel for the petitioner would submit that the information sought for in the said notice has been furnished to the Investigating Officer and even after furnishing the said information, the Investigating Officer has been insisting the petitioner to produce the gold relating to the said crime before him and he is only orally insisting the petitioner to produce the said gold.

As can be seen from the impugned notice served on the petitioner under Section 91 Cr.P.C., no direction was given to the petitioner by the Investigating Officer to produce the said gold before him.

Therefore, in the said facts and circumstances of the case, there shall be an interim direction to the Investigating Officer not to insist the petitioner to produce the gold in question before him till the next date of hearing.

CMR, J.
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