

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
FRIDAY, THE TWENTY NINTH DAY OF OCTOBER, TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

I.A. No. 1 of 2021

IN

W.P. No. 25081 of 2021



Between :-

M/s. Manappuram Finance Limited, A company incorporated under the Companies Act, 1956 and having its registered office at 470(old)/W638A(new) Manappuram House, Valapad, Thrissur, Kerala - 680 567 Rep.by its Authorized Signatory Mr. Vinay Singh.

...Petitioner

(Petitioner in W.P.No. 25081 of 2021
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Dept of Home, Secretariat, Amaravathi.
2. The Director General of Police, The DGP Office, Vijayawada.
3. The Station House Officer, P.S. Suryaraopet, Vijayawada.
4. The Asst. Commissioner of Police, CCS-II, Vijayawada City, A.P.
5. Vandrapu Venkata Lavanya Kumari, W/o. Durga Rao, aged about 29 yrs, R/o.9-56-34, Appala Swamy Street, Panja Center, Mahanthi Puram, Vijayawada.
6. The Reserve Bank of India,, Rep by its Chief General Manager, Reserve Bank Buildings, Central 1, 12 and 13 Floor, Central office building, Shahid Bhaghat Singh Marg, Mumbai - 4.
7. The Union of India, Rep by its Principal Secretary, Ministry of Finance, New Delhi.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner

: Sri Amancharla V. Gopala Rao

Counsel for the Respondent Nos.1 to 4 :G.P. for Home

Counsel for the Respondent No.7

:Sri N. Harinath, Asst. Solicitor General

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the respondent Nos. 3 and 4 to not to interfere with the day to day banking activities of the petitioner under the pretext of the letter dt.11.10.2021 issued by the respondent No.4, pending disposal of W.P. No. 25081 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER :-

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

Contd..2....

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."

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER
for ASSISTANT REGISTRAR

To

- 1.The Principal Secretary, Department of Home, State of Andhra Pradesh, Secretariat, Amaravathi.
- 2.The Director General of Police, The DGP Office, Vijayawada.
- 3.The Station House Officer, P.S. Suryaraopet, Vijayawada.
- 4.The Assistant Commissioner of Police, CCS-II, Vijayawada City, A.P.
- 5.Vandrapu Venkata Lavanya Kumari, W/o. Durga Rao, R/o.9-56-34, Appala Swamy Street, Panja Center, Mahanthi Puram, Vijayawada.
- 6.The Chief General Manager, The Reserve Bank of India, Reserve Bank Buildings, Central 1, 12 and 13 Floor, Central office building, Shahid Bhaghat Singh Marg, Mumbai - 4, Maharashtra State.
- 7.The Principal Secretary, Ministry of Finance, Union of India, New Delhi.
(Addressee Nos. 1 to 7 by RPAD)
- 8.Two CCs to the G.P. for Home, High Court of A.P., at Amaravati(OUT)
- 9.Two CCs to Sri N. Harinath, Asst. Solicitor General, High Court of A.P., At Amaravati(Out)
- 10.One CC to Sri Amancharla V. Gopala Rao, Advocate(OPUC)
- 11.One spare copy.

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HIGH COURT

CMR.J

DT.29-10-2021.

ORDER

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IN
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INTERIM DIRECTION

