



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

CRL.MC NO. 830 OF 2025

CRIME NO.1027/2024 OF CBCID, KASARAGOD, KASARGOD

AGAINST THE ORDER DATED 27.09.2024 IN CMP NO.1889 OF 2024

OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, KASARAGOD.

PETITIONER/3RD PARTY:

CANARA BANK,
PALLIKARA BRANCH,BEKAL FORT ROAD,
PALLIKKARA,KASARAGOD ,THROUGH ITS AUTHORISED
REPRESENTATIVE MR. RATHEESH, MANAGER, PIN -
671316.

BY ADVS.
RENJITH B.MARAR
LAKSHMI.N.KAIMAL
P.RAJKUMAR
KESHAVRAJ NAIR
BIJU VIGNESWAR
ARUN POOMULLI
ABHIJITH SREEKUMAR
ABHIRAM.S.
GAADHA SURESH
T.K.BABU
JITHY PRADEEP
AKHILA RADHAKRISHNAN
SARIGA RAMACHANDRAN M.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,



HIGH COURT OF KERALA, PIN - 682031.

- 2 SUPERINTENDENT OF POLICE ,
CRIME BRANCH, ECONOMIC OFFENCE WING, KANNUR AND
KASARGODE UNIT , KANNUR, PIN - 670002.
- 3 THE DETECTIVE INSPECTOR ,
CRIME BRANCH, ECONOMIC OFFENCE WING, KANNUR AND
KASARGODE UNIT, KANNUR, PIN - 670002
- 4 KARADUKKA AGRICULTURALIST WELFARE CO-OPERATIVE
SOCIETY ,
REPRESENTED BY ITS SECRETARY, MULLERIA P. O.,
KARADUKKA, KASARAGOD, PIN - 671542

SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13.02.2025, ALONG WITH Crl.MC.8330/2024, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

CRL.MC NO. 8330 OF 2024

CRIME NO.1027/2024 OF CBCID, KASARAGOD, KASARGOD

AGAINST THE ORDER DATED 27.09.2024 IN CMP NO.1889 OF 2024

OF JUDICIAL MAGISTRATE OF FIRST CLASS, KASARAGOD.

PETITIONER/PETITIONER:

CANARA BANK,
PREMIER MALL, NEAR PERIYA BUS STOP, PERIYA
KASARAGOD, KERALA, THROUGH ITS AUTHORISED
REPRESENTATIVE MR. AMAN NAIR, SENIOR MANAGER,
PIN - 671316.

BY ADVS.
RENJITH B.MARAR
LAKSHMI.N.KAIMAL
P.RAJKUMAR
KESHAVRAJ NAIR
ARUN POOMULLI
ABHIJITH SREEKUMAR
ANAND REMESH
ABHIRAM.S.
GAADHA SURESH
T.K.BABU

RESPONDENTS/STATE:

- 1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.
- 2 SUPERINTENDENT OF POLICE,
CRIME BRANCH, ECONOMIC OFFENCE WING, KANNUR AND



KASARGODE UNIT,KANNUR, PIN - 670002.

3 THE DETECTIVE INSPECTOR,
CRIME BRANCH, ECONOMIC OFFENCE WING,KANNUR AND
KASARGODE UNIT,KANNUR, PIN - 670002.

*4 KARADUKKA AGRICULTURALIST WELFARE CO-OPERATIVE
SOCIETY
REPRESENTED BY ITS SECRETARY, MULLERIA P.O.,
KARADUKKA, KASARAGOD,PIN-671542.
*(IMPLEADED AS ADDL. R4 AS PER ORDER DATED
23/01/2025 IN CRL.MA 1/2025)

SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13.02.2025, ALONG WITH Crl.MC.830/2025, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:



V. G. ARUN, J

Crl.M.C. Nos.830 of 2025 & 8330 of 2024

Dated this the 13th day of February, 2025

O R D E R

The petitioner, a Nationalized Bank, is engaged in the business of providing banking and financial services, including grant of loans, to its customers. Ms.Ayshath Fhaiza and Ms.Khadeejath Fousiya, the party respondents in Crl.M.C.No.830 of 2025 and Mr.Shafeek and Ms.Fathima Thahira, the party respondents in Crl.M.C.No.8330 of 2024 had pledged gold ornaments with the petitioner bank and taken gold loans totaling Rs.24,00,000/- and Rs.25,50,000/- respectively. Later, Detective Inspector, Crime Branch/3rd respondent issued notice under Section 91 of the Criminal Procedure Code(for short, 'Cr.P.C'), requiring the bank to produce the gold ornaments, as the ornaments were suspected to be stolen from the 4th respondent, regarding which a crime was under investigation. Thereafter the 3rd respondent moved a



petition under Section 91 of Cr.P.C, before the jurisdictional Magistrate, and by the orders impugned in these Crl.M.Cs, the Manager of the petitioner bank is directed to furnish the documents, gold and other items requested by the Investigating Officer. These Crl.M.Cs are filed seeking to quash Annexures A4 order in Crl.M.C.No.830 of 2025 and A5 order in Crl.M.C.No.8330 of 2024.

2. The learned counsel for the petitioner submitted that his client has no objection in producing the documents but production of the pledged gold ornaments may not be insisted upon. On the last posting date it was submitted that under similar circumstances, the Supreme Court had directed a Non-Banking Finance Company to file an affidavit, undertaking to produce the ornaments before the Investigating Officer and the court, as and when directed and recording the undertaking, the impugned order under Section 91 of Cr.P.C was set aside. A copy of the order is made available for perusal. Learned counsel for the petitioner submitted that his



client is also willing to file an affidavit containing similar undertaking.

3. Today, when the matter was taken up for consideration, it is pointed out that affidavits have been filed containing the undertaking in similar lines as filed before the Supreme Court.

4. The learned Public Prosecutor points out that in the affidavits filed, the undertaking is to the effect that the pledged ornaments will be produced as when instructed by the Investigating Officer for inspection of the same. It is submitted that, since the owners will have to identify their ornaments, there must be an undertaking to produce the ornaments for inspection as well as identification by the owner.

5. As I find the above suggestion to be well founded, the Crl.M.C. is accordingly disposed of by setting aside Annexures A4 in Crl.M.C.No.830 of 2025 and A5 in Crl.M.C.No.8330 of 2024 based on the undertaking in the affidavits dated 12.02.2025, with the following modification to condition No.i;



“The petitioner shall produce the pledged ornaments as and when instructed by the Investigating Officer for inspection and for identification by the owners of the ornaments, and permit to take photographs and prepare the mahazar, if so required.”

Sd/-
V. G. ARUN

JUDGE

mea



APPENDIX OF CRL.MC 1221/2025

PETITIONER ANNEXURES

- Annexure1 A TRUE COPY OF THE ORDER GRANTING
REGULAR BAIL TO THE PETITIONER IN CRIME
NO. 1205/2021 OF THRISSUR TOWN WEST
POLICE STATION IN CRL. M.P NO 5265/2024
DATED 24-08-2024
- Annexure2 A TRUE COPY OF THE APPLICATION
PREFERRED BAIL, THE PETITIONER AS CRL.
M.P 6907/2024 BEFORE THE TRIAL COURT
DATED 29-10-2024
- Annexure3 A TRUE COPY OF THE ID CARD OF THE
GOVERNMENT OF TAMIL NADU PUBLIC WORKS
DEPARTMENT EVIDENCING THE FACT THE WIFE
OF THE PETITIONER IS EMPLOYED AT
COIMBATORE
- Annexure4 A TRUE COPY OF THE ID CARD OF CHRIST
BANGALORE EVIDENCING THE FACT THAT THE
DAUGHTER OF PETITIONER IS STUDYING AT
BANGALORE
- Annexure5 A TRUE COPY OF THE ORDER IN CRL M. P
NO. 6907/2024 IN CRIME NUMBER 1205/2021
OF THRISSUR TOWN WEST POLICE STATION
PASSED BY THE COURT OF THE III ADD.
SESSIONS JUDGE THRISSUR RENDERED AS
COMMON ORDER IN CRL.
M.PNOS.6903,6904,6905,6906,6907,6908,69
09,6910,6911,6912 OF 2024 DATED 16-11-
2024

Sd/-

V.G.ARUN

JUDGE



2025:KER:14946

APPENDIX OF CRL.MC 8330/2024

PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE APPLICATION CUM
LETTER OF PLEDGE FOR LOAN/OVERDRAFT
AGAINST GOLD JEWELLERY DATED 10.05.2024
(LOAN ACCOUNT NO 836/6054) SUBMITTED BY
MR. SHAFEEK FOR AN AMOUNT OF RS
6,24,000/- (SIX LAKH TWENTY-FOUR
THOUSAND)
- Annexure A2 A TRUE COPY OF THE APPLICATION CUM
LETTER OF PLEDGE FOR LOAN/OVERDRAFT
AGAINST GOLD JEWELLERY DATED 10.05.2024
(LOAN ACCOUNT NO 890/49) SUBMITTED BY
MR. SHAFEEK FOR AN AMOUNT OF RS
10,00,000/- (TEN LAKH ONLY)
- Annexure A3 A TRUE COPY OF THE APPLICATION CUM
LETTER OF PLEDGE FOR LOAN/OVERDRAFT
AGAINST GOLD JEWELLERY DATED 10.05.2024
(LOAN ACCOUNT NO 836/6054) SUBMITTED BY
MS. FATHIMA THAHIRA FOR AN AMOUNT OF RS
9,26,000/- (NINE LAKH TWENTY-SIX
THOUSAND)
- Annexure A4 A TRUE COPY OF THE NOTICE DATED 03.
09.20204 ISSUED BY THE 3 RD RESPONDENT
TO THE PETITIONER
- Annexure A5 A TRUE COPY OF THE ORDER PASSED BY THE
JUDICIAL FIRST-CLASS MAGISTRATE COURT-
I, KASARGODE DATED 27.09.2024



2025:KER:14946

APPENDIX OF CRL.MC 830/2025

PETITIONER ANNEXURES

- | | |
|-------------|--|
| Annexure A1 | TRUE COPY OF THE APPLICATION CUM LETTER OF PLEDGE FOR LOAN/OVERDRAFT AGAINST GOLD JEWELLERY DATED 10.05.2024 (LOAN ACCOUNT NO. 18102728907) SUBMITTED BY MS. AYSHATH FHAIZA FOR AN AMOUNT OF RS. 10,00,000/- . |
| Annexure A2 | TRUE COPY OF THE APPLICATION CUM LETTER OF PLEDGE FOR LOAN/OVERDRAFT AGAINST GOLD JEWELLERY DATED 10.05.2024 (LOAN ACCOUNT NO. 180302464038) SUBMITTED BY MS. KHADEEJATH FOUSIYA FOR AN AMOUNT OF RS. 14,00,000/-. |
| Annexure A3 | TRUE COPY OF THE NOTICE DATED 03.09.2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER. |
| Annexure A4 | TRUE COPY OF THE ORDER DATED 27.09.2024 IN CMP. NO. 1889/2024 PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE COURT-I, KASARAGOD. |
| Annexure A5 | TRUE COPY OF THE ORDER DATED 15.01.2025 IN CRL. M. A. NO. 1/2024 IN CRL. M. C. NO, 8330/2024 PASSED BY THIS HON'BLE COURT. |