



ODISHA POLICE
ECONOMIC OFFENCES WING
BHUBANESWAR

EOW CIRCULAR NO.01/2014

Despite issuance of sufficient numbers of coins of all denominations through Banks and Reserve Bank of India counters during the year 2013, shortage of coins has been reported in the market. This is due to hoarding of coins by a group of businessmen having vested interest for selling at a premium. They are creating an atmosphere of artificial scarcity which needs to be checked with the intervention of Police. Coinage Act, 2011 contains adequate provisions to deal with such situations of artificial scarcity.

In order to ensure uniformity in the investigation and to facilitate collection of quality evidence, as per the provisions of Coinage Act, 2011, the following instructions are hereby issued which must be scrupulously followed by the Investigating/Supervisory Officers.

I. APPLICABILITY OF LAW:

Investigation should be made keeping in the mind the ingredients of Section 12 and 13 of The Coinage Act, 2011.

A) Section 12 runs as below:-

1. No person shall have in possession, custody or control coins substantially in excess of his reasonable requirement for the purpose of selling such coins for value other than their face value or for disposing those coins other than as a medium of exchange.

2. For the purpose of determining the reasonable requirement of coins of a person, due regard shall be had to :-
- a) His total daily requirement of coins
 - b) The nature of his business, occupation or profession,
 - c) The mode of his acquisition of coins
 - d) The manner in which and the place at which such coins are being possessed, held or controlled by him.

B) Section 13 of the Act says that whoever contravenes any provisions of Section 12 shall be punishable with imprisonment which may extend to seven years and with fine.

II. ACCUSED PERSON:

Accused persons include individual or company u/s 16 of the Act. Where an offence under the Act has been committed by a company, every person who at the time of the offence was committed was in charge of and was responsible to the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

1. Company means any body corporate and includes a firm, society and other association of individuals
2. Director in relation to a firm means a partner or proprietor of the firm
3. Society or other association of individual means the person who is entrusted, under the rules of the society or association, with the management of the affairs of the society or other association of individuals, as the case may be.

III. REGISTRATION OF FIR ON OWN INFORMATION:

In order to check hoarding of coins by unscrupulous elements, authentic information should be collected about hoarding of coins and FIR should be drawn by taking into account the following points:-

1. Whether the offence has been committed by individual or company. In case of company, as per the definition of the Act, the name of the company (or name of society, firm, associations as the case may be), the names of Directors etc. must be ascertained.
2. In case of company, the company should be made an accused.
3. The total requirements of coins of the individual/company, the nature of business, occupation or profession, mode of acquisition of coins and the manner in which, and the place at which such coins are being possessed, held or controlled by him are to be reflected in FIR.

IV. SEARCH, SEIZURE AND RECORDING OF STATEMENTS:

1. Search, seizure and recording of statement of accused person and the witnesses shall be made strictly in accordance of the provisions of Code of Criminal Procedure, 1973.
2. The offence is cognizable and bailable but shall not be compoundable and for contravention of Section 12 of the Act, shall be punishable with imprisonment which may extend to seven years and with fine and triable by Judicial Magistrate First Class.
3. Place of hoarding of coins should be searched and sealed during investigation.
4. Coins found in the possession of accused persons whether in molten state or solid state or mutilated state must be seized by the IO.
5. In case of accused being a company, Certificate of Registration of company should be seized. Documents pertaining to directors of the company should also be seized.

