

30.07.2021

Ct. No. 34

Sl. No.32

akd

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

**C. R. R. 382 of 2018 [via video conference]
CRAN 1 of 2019 (Old No. CRAN 3997 of 2019)**

In Re: **Waish Ahmed**

... .. Petitioner

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

Leave is granted to the petitioner to amend the cause title of the application so far as it relates to the 'police station' case number is concerned.

The learned advocate appearing for the petitioner refers to the judgement passed on 18th January, 2019 by a coordinate Bench of this Court in CRR 382 of 2018. By the said order the coordinate Bench was pleased to release the vehicle imposing five conditions.

A report was subsequently called for by this court. Accordingly, a report dated 29th July, 2021 has been filed by the Officer of the Detective Department, Howrah Police Commissionerate. Let the same be kept with the record.

The contents of the report reflect that the trial of the case has concluded and four of the accused persons have been acquitted of the

charges which includes the present petitioner before this court namely, Waish Ahmed who claims to be the owner of the vehicle.

Learned advocate appearing for the petitioner submits that the earlier five conditions so imposed in CRR 382 of 2018 is creating hardship for getting the vehicle released in view of the condition of bank guarantee so imposed.

Having regard to the circumstances existing on date, I am of the view that as the trial has already ended in an acquittal and no information has been furnished to this court whether the State has preferred an appeal against such order of acquittal, the vehicle which is the subject matter of the revisional application before this court may be released on personal release bond of the present petitioner. However, the learned court would consider regarding the authenticity of the ownership of the vehicle and thereafter allow the claimant to furnish the bond.

With the aforesaid observations, CRAN 1 of 2019 (Old CRAN No. 3997 of 2019) is allowed.

Case diary be returned to Mr. Swapan Banerjee, learned advocate appearing for the State.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)