

Sr. 5
24-12-2020
s. d.
ct, no.42

CRR 537 of 2020

In Re : **Marjiya Bibi** ... **petitioner.**

In the matter of : An application under Sections
397/401/482 of the Code of Criminal Procedure.

Mr. Arnab Chatterjee
Mr. Soumya Basu Roy Chowdhuri
.....for the petitioner.

Mr. Arijit Ganguly
....for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner is aggrieved by the order dated 3rd December, 2019 wherein the prayer of the petitioner for return of the seized vehicle was refused by the learned Chief Judicial Magistrate, Howrah in connection with Howrah P. S. Case No. 370 of 2019 dated 02.10.2019.

Mr. Ganguly, learned advocate for the State submits the report of the police authorities before this court which reflects that the charge-sheet has already been submitted in connection with the instant case before the learned Magistrate. Let such report be kept with the record.

Mr. Chatterjee, learned advocate for the petitioner further submits that the learned Magistrate was carried

away by the issue that the law relating to the return of the seized vehicle was under the Forest Act.

In view of the earlier order passed on similar issues in CRR 2675 of 2019 wherein this Court relied upon the Enquiry Officer/Forest Range Officer, Wildlife Wing, Vigilance Section, Wildlife Head Quarters, Directorate of Forest, Bikash Bhawan, Kolkata –vs- Md. Saheb reported in **(2016) 4 CHN 713** and in the matter of Itu Halder **reported in 2013 SCC Onlilne Cal 5482**, I am of the view that there is no reason for withholding the seized vehicle during the pendency of the proceedings.

Accordingly, the learned Chief Judicial Magistrate, Howrah is directed to asses through the Investigating Officer regarding the authenticity of the ownership of the petitioner and thereafter on being satisfied impose terms and conditions and after the compliance of the requisite formalities pass orders in respect of returning of the vehicle to the registered owner.

The petitioner is granted liberty to bring this order to the notice of the learned Chief Judicial Magistrate, Howrah within a period of two weeks from date and the learned Chief Judicial Magistrate, Howrah by 31st January, 2021 would dispose of the prayer so advanced after necessary assessment so required.

With the aforesaid observations, CRR 537 of 2020 is disposed of.

Learned Chief Judicial Magistrate, Howrah is directed to act on the server copies of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)