

AD. 14.
December 21, 2020.
MNS.

W. P. A. 8835 of 2020
(**Via video conference**)

Sri Mritunjoy Garai
Vs.
The State of West Bengal and others

Mr. Kaushik Dey,
Mr. Soumyajit Mishra

... for the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas,
Mr. Anand Fermania

...for the respondent-authorities.

Although the matter is appearing under the heading 'to be mentioned', on consent, the matter is taken up for hearing.

Affidavit-of-service filed in Court today be taken on record.

The grievance of the petitioner is primarily that the police authorities seized the petitioner's commercial vehicle, having Chassis No. 12E1038, Engine No. PUNCBHL0141 and Registration No. WB 53B 0089 forcibly *de hors* the law.

Subsequently, learned counsel appearing for the petitioner submits, the petitioner lodged a complaint in that regard with the Inspector-in-

Charge, Shantiniketan Police Station, Shantiniketan, Birbhum, which is annexed as Annexure- P/3 at page – 42 of the writ petition.

Learned counsel appearing for the respondent-authorities submits that the petitioner is to approach the Magistrate having jurisdiction for return of the vehicle.

A report in the form of an instruction is filed in Court today by the respondent-authorities, which indicates that the arrested accused persons in respect of the vehicle-in-question stated before the investigating agency that, during commission of the crime, they used the said vehicle (pay loader) and the same was shown by them and accordingly the vehicle was seized from their possession.

Let the aforesaid report be taken on record.

Whatever might be the allegations in respect of the vehicle-in-question, the police authorities acted beyond their powers and in gross violation of natural justice in forcibly seizing the vehicle without notice to the petitioner.

As such, W. P. A. 8835 of 2020 is disposed of by directing the respondent nos. 4 and 5 to ensure that the vehicle-in-question,

bearing Registration No. WB 53B 0089, is released to the petitioner at the earliest, latest within a week from date.

It is made clear that in the event the vehicle is found, after due investigation, to have been involved in the commission of an offence, the police authorities will be at liberty to take appropriate steps with appropriate notice to the petitioner, in accordance with law.

There will be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. In any event, the petitioner is granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)