

09-04-2021
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Item No.70
Court No.42

**C.R.R 130 of 2021
CRAN 1 of 2021**

**Tapan Kumar Mohapatra
-vs-
The State of West Bengal**

Mr. Arindam Jana
Mr. Apurba Kumar Chakrabarty
Mr. Soumajit Chatterjee
...For the petitioner.
Md. Anwar Hossain
Mr. Benajir Hasna
... For the State.

The impugned order dated 30th September, 2019 passed by Learned Additional Sessions Judge, Fast Track Court-II, City Sessions Court, Calcutta in Sessions Case No.38 of 2019 rejecting the prayer for return of the vehicle is the subject of challenge in this revisional application.

Mr. Jana representing the petitioner submits that the petitioner is the registered owner of the vehicle, and he is not made as one of the accused persons in connection with the offence alleged in this case.

Admittedly, the vehicle was seized on 9th March, 2019, which was used for transportation of large quantity of explosive substances, approximately 1358.33 kgs.

It is contended by Mr. Jana that the petitioner being the registered owner submitted all relevant documents connected with the vehicle for necessary verifications, so that the seized vehicle may be returned to the registered owner of the vehicle/petitioner. But the Learned Court below has mechanically rejected the prayer for return of the seized vehicle without appreciating the true purport of the report furnished by the I.O. of this case.

Mr. Hossain produces a report submitted by Dibyendu Singha, Sergeant of Police, Special Task Force Police Station, Kolkata dated 26th March, 2021 revealing the status of the seized vehicle. The same may be taken on record.

From the said report of the police, as produced by Mr. Hossain, it appears that verification of the documents connected with the seized vehicle has already been done, and after necessary verification the petitioner was found to be the registered owner of vehicle.

When verification of the documents connected with the vehicle has already been over, the Court is of the view that the vehicle should not be kept detained in idle condition for years together under the exposure sun and rain, since the vehicle is a combination of mechanical accessories. No fruitful purpose thus may be served by detaining the seized lorry for any further period of time.

The impugned order dated 30th September, 2019 rejecting the prayer for seized vehicle is thus set aside.

Learned Court below is directed to return the seized vehicle within seven days from the date of communication of this order upon furnishing a bond by petnr. with conditions as may be deemed fit and proper by the Learned Court below.

With this direction and observation, the instant revisional application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Subhasis Dasgupta, J)

