

14.09.2021
Ct. No. 29
sdas
8

CRR No. 223 of 2010

In Re : An application under Sections 401/482 of the Code
of Criminal Procedure, 1973.

and

In Re : Debasis Bhattacharya petitioner

Mr. Bidyut Kumar Roy, Sr. Govt. Adv.
Mr. Ashok Das

.... for the State

Let affidavit-of-service filed in Court be taken on record.

The instant criminal revisional application is listed today
for hearing as “Contested Application”.

On perusal of the record, I find that a copy of the
application was sent to the private opposite party no. 1 by speed
post with acknowledgement due. Service has also been made
upon the learned Public Prosecutor, High Court, Calcutta.

On call none appears for the petitioner and the opposite
party no. 1.

Mr. Roy, learned senior Government advocate and Mr.
Das, learned advocate represent the State in this case.
Concerned authority is directed to regularise their appointments
in this case.

Since the criminal revision is pending for several years and
it has already been listed, the matter is taken up for

consideration. Accommodation was earlier granted to the petitioner to take appropriate steps.

Peruse the application for revision.

It appears that the petitioner has averred that he made a proposal to sell an old truck (Tata LPT 1613) to the opposite party no. 1 for a consideration of Rs.2,53,000/- against which the opposite party no. 1 made payment of Rs.2,44,000/- to the petitioner. Opposite party no. 1 subsequently lodged a complaint before the court of learned Chief Judicial Magistrate at Alipur, Kolkata, under Sections 420/506 of the Indian Penal Code and the same was forwarded to the I/C, Gariahat Police Station for treating it as F.I.R. Police arrested the petitioner and seized the vehicle. By order dated 14.08.2009 the seized vehicle was returned to the opposite party no. 1 on the basis of the report of the Investigating Officer. Being aggrieved with the order dated 14.08.2009 passed by the learned Chief Judicial Magistrate at Alipur, Kolkata in Gariahat Police Station Case No. 185 dated 20.09.2009, the petitioner/accused preferred this Criminal Revision as opposite party without paying the entire consideration amount received the Truck.

Learned Prosecutor appearing for the State submits that there is no illegality in the order. Furthermore, this is an old pending case and may be disposed of.

Peruse the petition for criminal revision as well as the impugned order. Considered the submission made by the learned Prosecutor.

It appears to me that opposite party no. 1 made payment of Rs.2,44,000/- to the petitioner out of a consideration price of Rs.2,53,000/- for the old truck. On the face of the impugned order it appears that it consists with the rule of equity as well as the law that the seized vehicle was returned to the defacto complainant who has made substantial payment for the property.

I find no impropriety in the order and the same calls for no interference.

The criminal revisional application is, thus, dismissed on its merit.

Let a copy of this order be sent to the court of the learned Chief Judicial Magistrate at Alipur, Kolkata, for necessary information.

Urgent photostat certified copy of this order, if applied for, be supplied to the applicant expeditiously after complying with all necessary formalities.

(Ananda Kumar Mukherjee, J.)