

09.09.2021
Ct. No. 29
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CRR 252 of 2010

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

In Re : Sk. Salauddin and
.... petitioner

Mr. Rana Mukhrjee, learned A.P.P.
Mr. Prasun Bhattacharya

.... for the State

This criminal revisional application is fixed up today for consideration.

Let affidavit-of-service filed upon the opposite parties be taken on record.

On call none appears for the petitioner as well as the private opposite party no. 2.

Mr. Mukherjee, learned Additional Public Prosecutor is present in Court to represent the State along with Mr. Bhattacharya. Concerned authority is directed to regularise their appointments in this case.

This revisional application has been filed under Sections 401 and 482 of the Code of Criminal Procedure, whereby the petitioner being aggrieved with the order dated 23.12.2009 passed by the learned Judicial Magistrate, 4th Court, Paschim Medinipur, in C.R. Case No. 981 of 2009, has preferred this revisional application praying for setting aside the impugned order and

further direct for return of the seized vehicle (bus) bearing registration no. W.B. 29/1928 alongwith original Part-B of the permanent stage carrier permit bearing P.St.P. No. 3/95-96.

The contention of the petitioner in brief is that on 27.10.2009 on the basis of a search warrant under Section 94 of the Code of Criminal Procedure issued by learned Judicial Magistrate, 4th Court, Paschim Medinipur in C.R. Case No. 981 of 2009 under Sections 323/506/420 of the Indian Penal Code in respect of a vehicle no. W.B. 29/1928 and Part-B of the permit Golabari Police Station, Howrah, seized the vehicle in question on 06.11.2009 but could not cease the original Part-B of the permit which is in the custody of the opposite party no. 2. By the impugned order, learned Magistrate directed the return of the seized vehicle to the accused in that case who is opposite party no. 2 in the criminal case.

Being aggrieved with such order, the petitioner who is the complainant in the criminal case has filed this revisional application for the return of the vehicle as well as for original Part-B of the permit.

Peruse the revisional application, materials in the case record as well as the certified copy of the impugned order passed by the learned Magistrate.

Learned Additional Public Prosecutor appearing for the State submits that there is no illegality in the order since the vehicle was directed to be returned to the person from whose

possession it has been seized and who, on payment of consideration money, had received it from the present petitioner.

Considering the submission made by the learned Additional Public Prosecutor and the materials in the case record, I find that original Part-B of the permit was not seized by the police and only the vehicle has been seized. Learned Magistrate had applied his mind and directed the return of the vehicle to the opposite party no. 2 on proper identification and on execution of a bond. There is no illegality in the order passed by the learned trial court. Petitioner is at liberty to approach the appropriate forum for return of the vehicle or the permit alleged to have been handed over to the opposite party no. 2 in accordance with law.

Accordingly, the revisional application being CRR No. 252 of 2010 is dismissed on merit.

Let a copy of this order be sent to the court of the learned Judicial Magistrate, 4th Court, Paschim Medinipur for necessary information.

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

(Ananda Kumar Mukherjee, J.)

