

CRR 692 of 2020
(Via video conference)

In the matter of : Titan Company Limited
(formerly Titan Industries Limited)
.....petitioner

Mr. Sandipan Ganguly
Mr. Somopriyo Chowdhury
Mr. Pratik Shanu ...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.
Mr. Arijit Ganguly ...for the State

The subject matter of the revisional application relates to an issue of Alamats connected with Sessions trial no. 252 of 2010 arising out of Domjur Police Station case no. 140 of 2010. After conclusion of the sessions trial by the learned Sessions Judge, Howrah and convicting the accused persons who faced trial, the learned court by the order dated 28.11.2019 was pleased to observe that “No order as regards disposal of alamats is passed as the trial in respect of two absconding accused namely Amit Das and Kartick Shil has not been commenced and that apart, trial is still pending against Saheb Gayen, child in conflict with law.”

Mr. Ganguly, learned senior advocate appearing for the petitioner is aggrieved regarding the phrase, used by learned Sessions Judge, which was restricted to disposal of alamats as in this case, the subject matter related to huge amount of gold ornaments/jewelleries which was the property of the present petitioner before this court.

According to learned Senior advocate, the jurisdiction of the trial court was for disposal, destruction, confiscation or

delivery. However, the learned Sessions Court only considered the issue regarding disposal.

Mr. Mukherjee, learned Public Prosecutor at the inception challenged the maintainability of the revisional application as according to him, the order so passed by the learned Session Judge, was in the nature of an order under Section 452 of the Code of Criminal Procedure which is appealable under Section 454 of the Code of Criminal Procedure.

Having regard to the subject matter of the case and the manner in which the relevant part has been dealt with by the learned Sessions Judge restricting his view only in respect of disposal of the alamsats for future requirements for absconding accused or the trial pending before the Juvenile Court, I am of the view that the learned trial court being the Session Judge, Howrah would freshly pass an order, if an application is preferred regarding the retention or release of the goods, Keeping in mind the judgment delivered by the Hon'ble Apex Court in ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***(2002) 10 SCC 283*** and ***General Insurance Council and Others vs. State of Andhra Pradesh*** and Others reported in ***(2010) 6 SCC 768***.

The learned Sessions Judge would independently consider the issue of releasing the same without being influenced by any observation passed by this court and in the background of the fact that the valuable articles were produced in course of trial initially and whether any avenue can be created for secondary evidence for trial in respect of other accused persons which are pending or in respect of persons who are absconding.

The learned Sessions Judge will dispose of the application preferably within 60 days from filing of this case.

With the aforesaid observation, CRR 692 of 2020 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)