

14.06.2021

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Ct. 19

CRR 1277 of 2021

(Via Video Conference)

In the matter of:

Md. Lal

Vs.

The State of West Bengal & Anr.

Mr. Anupm Some
Ms. Devipriya Mitra
...for the petitioner

Pursuant to a deed of conveyance executed on 14th November, 2019, the petitioner purchased one vehicle having registered No.WB-94N/0297 at a consideration price of Rs.2 lakhs. Subsequently, the said vehicle was seized by Belghoria P.S. on 12th June, 2020. On 16th June, 2020 the petitioner moved before the learned Additional Chief Judicial Magistrate, Barrackpore praying for return of the said vehicle. The vehicle was directed to be returned to the petitioner on his furnishing a Zimma Bond of Rs.30 lakhs. However, vide order dated 26th February, 2021 the learned Chief Judicial Magistrate passed an order refusing to return the said vehicle to the petitioner. The petitioner preferred a criminal revision on 4th March, 2021 before the learned Sessions Judge at Purulia which was subsequently dismissed vide order dated 4th March, 2021.

The instant revision has been filed challenging the revisional order passed by the learned Sessions Judge, Purulia on 4th March, 2021.

Under the provision of Section 397 of the Code of Criminal Procedure the revisional power of the High Court and the Sessions Judge is concurrent meaning thereby the petitioner can move either before the learned Sessions Judge or before this Court challenging an order of lower Court. When the petitioner had already taken recourse of Section 397 /401 of the Code of Criminal Procedure, second revisional application on the self-same prayer challenging the order passed in the revisional application by the learned Sessions Judge is not maintainable.

In view of the above discussion, I find that the instant criminal revision is not maintainable and accordingly it is summarily dismissed.

However, the petitioner is not debarred from making proper application before the learned Court below praying for return of the vehicle on production of legal documents.

(Bibek Chaudhuri, J.)

