

11.06.2021

Item No.6
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1323 of 2021
(Via Video Conference)

**Syama Prasad Mookerjee Port, Kolkata
versus
State of West Bengal & Ors.**

In Re: An Application under Sections 401/397 read with Section 482 of the Code of Criminal Procedure, 1973 filed for setting aside order dated 20.05.2021 passed by the learned ACJM, Haldia in G.R. Case No. 807 of 2021 arising out of Haldia Police Station Case No. 56 of 2021 dated 20.05.2021 under Sections 465/467/468/471/474/420/379/120B/34 of the Indian Penal Code.

Mr. Sabyasachi Banerjee,
Mr. Anirban Dutta,
Ms. Arushi Rathore,
Mr. Amit Kumar Nag ... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Mr. Rajdeep Mazumder,
Mr. Mayukh Mukherjee
... For the Opposite Party Nos. 2 to 6.

Mr. Sabyasachi Banerjee, learned advocate appears for the petitioner.

Mr. Saibal Bapuli, learned APP appears for the State.

Mr. Rajdeep Mazumder, learned advocate appears for the opposite party nos. 2 to 6.

Mr. Bapuli has referred to a photostat copy of the order dated 09.06.2021 handed over to him by the Investigating Officer of the case. The order-sheet reflects that on 09.06.2021, learned A.C.J.M., Haldia returned the materials i.e. Manganese Ore after hearing all the parties and there is

no grievance by any of the party before this Court so far as the said issue is concerned.

Now so far as the vehicles are concerned, the opposite party nos. 2 to 6 submits that they have their claim and they would satisfy the learned A.C.J.M., Haldia regarding their ownership. In view of the aforesaid and the subject matter of the present lis regarding the return of the vehicles wherein there are allegations of dispute regarding the engine number, chassis number and the registered number of the vehicles (number plates), I direct that the Investigating Officer would after scrutiny, ascertain the registered owner of the vehicles and thereafter submit a report to the learned A.C.J.M., Haldia afresh.

The learned A.C.J.M., Haldia after considering the documents and the foundation on which the Investigating Officer has arrived at conclusion regarding the ascertainment of ownership of the concerned vehicles, return the vehicles to the registered owners after affording opportunity of hearing to the necessary parties being the applicants/registered owners, the State and the Port authorities.

So far as the order dated 20.05.2021 passed by the learned A.C.J.M., Haldia is concerned restricted to the issue of the return of the seized vehicles, the same is set aside.

The learned Magistrate would consider afresh as directed above and pass necessary orders on receipt of the report, preferably within a period of fortnight from date.

With the aforesaid observations, CRR 1323 of 2021 is 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.)