

09.04.2021
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WPA 8661 of 2020
(Via Video Conference)

Bajnath Jaiswal
-Vs-
The State of West Bengal & Ors.

Mr. N. I. Khan,
Mr. Amlan Kumar Mukherjee,
... for the petitioner

Mr. Suman Sengupta,
Mr. Sanatan Panja,
... for the State

Let the affidavit of service filed in Court today be kept with the record.

The petitioner claims to be the registered owner of a vehicle bearing registration No. WB-51A-3172. The petitioner alleges that the private respondent No. 5 herein has illegally taken possession of the aforesaid vehicle of the petitioner. The petitioner lodged a complaint before the Officer-in-Charge, Pallasey Police Station as well as before the Kaliganj Police Station on June 20, 2020. The grievance of the petitioner is that in spite of lodging a complaint, the police authorities have not taken any steps with the regard to the complaint made by the petitioner herein.

Mr. Sengupta, learned advocate appearing for the State submits that pursuant to the complaint lodged by the petitioner, the petitioner was directed to appear before the Officer-in-Charge, Kaliganj Police Station on July 14, 2020. The petitioner duly appeared before the said authority on the aforesaid date.

He also submits that pursuant to the said complaint, Kaliganj Police Station Case No. 532 of 2020 dated November 18, 2020 under Sections 379/356/34 of the Indian Penal Code was registered and the investigation is being conducted by the investigating Officer. He further submits that the principal accused, i.e. the respondent No. 5 herein has been arrested and the vehicle has already been recovered. He further submits that the petitioner was asked to visit the concerned police station to identify his vehicle but the petitioner claims that the vehicle recovered by the police authority is not the vehicle of the petitioner. It has been further submitted by Mr. Sengupta that in order to unearth the actual truth with regard to the recovered vehicle, the concerned Investigating Officer has already sent requisition to the Regional Transport Authority, Krishnagar, Nadia for sending an expert team to examine the recovered seized vehicle and give their expert opinion.

After hearing the learned advocates for the parties and after going through the materials on record, this Court is of the view that the allegation of the writ petitioner that the police authorities have not taken any steps on the basis of the complaint lodged by the petitioner is without any basis. On the contrary, the investigation proceeded to a considerable extent. The principal accused, i.e. the private respondent herein was arrested and the vehicle was recovered and the petitioner was also allowed an inspection of the said vehicle.

In view thereof, WPA 8661 of 2020 stands dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(**Hiranmay Bhattacharyya, J.**)