

29.09.2021

Item No.12
Ct.No.34
dc.

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

C.R.R. 1536 of 2020
(Via Video Conference)

**Bajrang Agarwal @ Bajranglal Agarwal
versus
The State of West Bengal**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sourav Chatterjee,
Mr. Aditya Tiwari ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Supplementary affidavit filed on behalf of the petitioner
be kept with the record.

The subject matter of this revisional application relates
to return of money which was seized in connection with
Asansol GRPS Case No. 27 of 2019 dated 12.05.2019.

Mr. Sur, learned advocate appears on behalf of the
State and produces the case diary.

The order dated 14.08.2019 passed by the learned
Chief Judicial Magistrate, Paschim Bardhaman reflects that
the learned court was of the opinion that as CRR 1304 of
2019 is pending before the High Court, prayer of the
petitioner for return of money seized from his residence
cannot be considered. In addition to that, learned Magistrate
was of the opinion that as earlier similar prayer was rejected,
the same cannot be reconsidered by the same Court.

I have perused the order dated 30.05.2019 passed in
CRR 1304 of 2019 (Sawar Dhanania Vs. The State of West

Bengal & Anr.). In the said order dated 30.05.2019, it has been observed, *inter alia*, as follows :

“In the meantime, there shall be stay of proceeding in F.I.R. No. 27 of 2019 dated 12.05.2019 in so far as the petitioner is concerned for a period of five weeks after the reopening of court after summer vacations.”

Having regard to the nature of the order passed, I am of the view that consideration of the application which was preferred at the instance of the petitioner must be on the merits of the case as the proceeding against all the accused has not been stayed. The learned Magistrate, as such would issue notice upon all the parties which would include the State as also the other accused persons and thereafter fix date for hearing and decide the application for return of the seized money so far as the present petitioner is concerned, if a fresh application is filed by the petitioner within a period of 15 days from date.

The learned Magistrate is directed to dispose of the said application within a period of 60 days from the date on which it is filed before the court, after the same is brought to the notice of all the parties who might have interest in the subject matter of the petition.

Accordingly, the orders dated 14.08.2019 and 28.08.2020 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman are hereby set aside.

The revisional application being CRR 1536 of 2020 is, thus, disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

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

(Tirthankar Ghosh, J.)