

21.01.2021
Item no.5
Ct. No.42
CHC

**C.R.R. No.1549 of 2020
(Physical Hearing)**

In Re: An application under Section 482 read with Section 397 of the Code of Criminal Procedure, 1973.

In the matter of:-

Ranjit Pramanik

.....petitioner

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

... for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Arijit Ganguly

... for the State

The impugned order dated 8th September, 2020 passed by learned Additional Chief Judicial Magistrate, Uluberia, Howrah in connection with Case No.19CE/2020, refusing to return seized two vehicles to the petitioner, who claims to be the registered owner of the vehicle seized, is subject of challenge in this revisional application.

A report is found called for, pursuant to the order dated 7th January, 2021. The report, as called for, is submitted by Inspector-in-Charge, Uluberia Excise Station, Howrah Rural District, dated 20.01.2021, through Mr. Ganguly, learned advocate representing the State.

The report is taken on record.

There is nothing mentioned in the report about the verification of the documents in support of the claim of ownership, of the petitioner. The report not being comprehensive, the very purpose of calling for the report is going to be frustrated, which this Court cannot allow it to continue any more, as mere spectator.

Learned advocate, Mr. Gupta representing the petitioner submits that in this case two Mahindra Bollero brand vehicles for allegedly carrying 594 Kg of Molasses, were seized, and since the date of seizure, those two vehicles are remaining idle under the exposure of the sun and rain thereby causing not only depreciation to the vehicles seized, but also causing the vehicles to become unsuitable for being moved on road.

Mr. Ganguly, learned advocate representing the State frankly submits that the report, so called for, is not at all comprehensive and there is nothing to show about the verification of the documents in support of the claim of ownership of the petitioner.

Having considered the rival submissions of the parties, let there be an order directing return of the seized vehicles to the registered owner of the vehicles, upon receiving verification report of the documents by the learned Magistrate within 15 days, subject to production of the documents in support of the claim of ownership by the petitioner within 5 (five) days.

The petitioner is directed to make communication of this order to the learned court below.

Learned court below is further directed to obtain verification report of the documents produced by petitioner after taking a

verification report mandatorily from the Investigating Officer of this case, and pass order accordingly regarding return of the seized vehicles to the registered owner of the vehicles within the stipulated period of time peremptorily.

With this direction/observation, the instant revisional application stands disposed of.

Mr. Ganguly, learned advocate for the State is further directed to communicate this order to the I.O. of this case.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Subhasis Dasgupta, J.)