

11.1.2021
ks.

CRR 1828 of 2020
Abhijit Bag
vs
State of West Bengal & Anr.

Mr. Tanmoy Chowdhury
...For the petitioner.
Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
... For the State.

The impugned order dated 27th September, 2020 passed by the learned Additional Judicial Magistrate, Arambagh, Hooghly in TR No. 192 of 2020 arising out of MP 188 of 2019 (C.R. 132 of 2020) rejecting return of the seized vehicle is the subject matter of challenge in this revisional application u/s 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Tanmoy Chowdhury, learned Advocate for petitioner seeking return of seized vehicle submits that as petitioner is the registered owner of the vehicle, and as he is not made accused in this case the seized vehicle should be made over to petitioner. According to the petitioner, the seizure of the vehicle was made on 9th November, 2019, and further that the petitioner being the registered owner is in no way connected with the offence, complained of.

Learned Additional Public Prosecutor representing the State/Opposite Party produces a copy of the report, as called for by order dated 21.12.2020. Upon perusal of the report, it appears that the police has already verified from Arambagh A.R.T.O. regarding the ownership of the seized vehicle and in course of enquiry it could be revealed that one Abhijit Bag, S/o. Joydeb Bag is the registered owner of the vehicle.

This is a case with recovery of 40.0 litres of I.D. liquor from accused persons, in connection with which the petitioner is not allegedly involved. The seizure of the vehicle was made on 9th Novemr, 2020 and since then it remains idle without being used on road. Since seized vehicle is a combination of mechanical accessories, its long non use on road not only would lead to cause its depreciation, but it will render the vehicle to be unsuitable for moving on road.

Upon consideration of the entire facts and circumstances of the case, the petitioner being the registered owner of the seized vehicle is entitled to return.

The learned Judicial Magistrate, 1st Class, Additional Court, Arambagh, Hooghly is directed to pass order releasing return of the seized vehicle upon fixing a bond with conditions as deemed fit and appropriate within seven (07) days from the date of communication of this order upon notice to the learned Public Prosecutor appearing in the court below.

Learned Advocate for the petitioner is directed to make communication of this order to the learned Trial Court forthwith.

Report as submitted be kept with the record.

The revisional application being CRR 1828 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon complying all the formalities.

(Subhasis Dasgupta, J.)