

CRR 1920 of 2020

In Re: An application under Section 401/482 of the Code of Criminal Procedure, 1973.

Mr. Dablu Khan @ Ashfak Khan
Vs.
The State of West Bengal

Mr. Manjit Singh
Mr. Gaganjyot Singh
Mr. Biswajit Mal
.....For the Petitioner
Mr. Swapan Banerjee
Mrs. Purnima Ghosh
.....For the State

There was a consignment of carrying electric cables in the vehicle, which was due to be reached to the godown of the petitioner, and on the way vehicle was intercepted by the police after being tipped off.

The impugned order no.30 dated 5th October, 2020 passed by the learned Additional Chief Judicial Magistrate, Kalna in the District of East Burdwan in connection with Monteswar P. S. Case No. 08 of 2020 dated 07.01.2020 under Sections 379/411/413/414/420/467/468/471/120B of the Indian Penal Code being G. R. No. 41 of 2020 declining to open the seized godown belonging to petitioner, is the subject of challenge in this revisional application.

A report appears to have been called for by order dated 4th January, 2021. The report is produced by Mr. Swapan

Banerjee, learned advocate, assisted by Mrs. Purnima Ghosh, learned advocate representing the State/opposite party and the same be kept with the record.

After perusal of the report it appears that the petitioner furnished his title deed in order to establish his ownership over the godown lying sealed at the moment. The document produced by the petitioner in support of the ownership appears to have been verified and authenticated. There was some delay as per report, that the concerned Town Survey Officer, as A.D.S.R., Howrah did not furnish his report in verification of documents incidentally connected with the ownership of petitioner's godown lying sealed.

Learned advocate for the petitioner Mr. Manjit Singh submits that though the petitioner has been roped in this case, but he has obtained anticipatory bail to protect his personal liberty. According to Mr. Singh, no other document is necessary to establish the ownership of petitioner over the seized godown. Thus, according to the petitioner, everything alleged to be stolen has been recovered and in spite of that, godown has been sealed by the concerned Investigating Officer of this case causing serious hardship to the petitioner in operating his day-to-day business transaction.

Mr. Banerjee, learned advocate representing the State submits that when verification of other documents has not been completed, time may be granted for the necessary purpose.

This court is not prepared to accept the prayer of the

State on the sole ground that when there is apparent materials revealing ownership of the petitioner in respect of the godown sealed and which appears to have been already authenticated, thus appears to be no justification to get it delayed.

Having considered the rival submissions of the parties and bearing in mind the ownership of the petitioner in respect of the godown lying seized upon production of his title deed to the Investigating Officer, this court finds sufficient reasons to dispose of the revisional application permitting the petitioner to make use of his godown in the manner as deem fit and proper without making any contravention of the provisions of law upon opening of the same by the Investigating Officer of this case within four days from the date of this order.

Learned advocate for the petitioner is directed to make communication of the order to the learned court below for necessary information. A copy of the same may be made available to the Investigating Officer of this case through the learned Public Prosecutor for giving effect to the order.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after compliance with all necessary formalities.

(Subhasis Dasgupta, J.)