

29.06.2022
Sl. No.161
srn

W.P.A. No. 722 of 2022

Salma Bibi

Versus

The State of West Bengal & Ors.

Mr. Debapratim Guha,
Mr. Rajdeep Bhattacharya,
Ms. Anchita Sarkar

...for the Petitioner.

Mr. Naba Kumar Das,
Mr. Subhabrata Das

...for the State-respondents.

Mr. Subhajit Chowdhury,
Mr. Husan Mustafi

...for the Respondent Nos.8 & 9.

The police report filed by the Inspector-in-Charge, Bizpore Police Station indicates that the vehicle of the petitioner was taken on rent by the respondent No.9. The respondent No.9 handed over the same to one Uttam Rauth, who took the vehicle to Siwan, Bihar. The family members of the Uttam received information from Baikunthpur Police Station that Uttam had been murdered. Baikunthpur Police Station Case No.43 of 2021 dated January 30, 2021 under Sections 302 and 201 of the Indian Penal Code was registered on the complaint of one Chowkidar Bir Bahadur Singh. The complaint was against unknown miscreants. Investigation has been completed and charge sheet has been filed *vide* Baikunthpur PS Charge Sheet No.111 of 2021

dated May 31, 2021 under Section 396 of the Indian Penal Code. Two persons were arrested. The police report reveals that the said information was collected from the Baikunthpur Police Station and an e-mail message has been sent with further queries.

This Court finds that the petitioner had lodged a complaint against his missing vehicle on the allegation that the same was stolen and taken to Bihar. Although, the investigation by the Bizpore Police Station reveals that the respondent No.9 had hired the vehicle. One Rabi Roy, driver of the petitioner had handed over the vehicle to the respondent No.9 and Uttam had taken the vehicle to Siwan, Bihar. Uttam was found dead. The missing vehicle has not yet been traced or recovered by the police authorities, as per the report. The incident with regard to Uttam's death and dacoity has been investigated and charge sheet has been filed.

Thus, the writ petition is disposed of, with a direction upon the Inspector-in-Charge, Bizpore Police Station, to further enquire about the missing vehicle and come to a conclusion whether the said vehicle is a part of the investigation and has been either seized or recovered relation to the case, which is pending trial in the Bihar Court. Upon arriving at a finding, the police authorities shall intimate the petitioner about the issue. It is expected that such conclusion will be arrived at within a

period of two months from the date of communication of this order.

The Inspector-in-Charge, Bizpore Police Station shall request the Bihar Police for necessary infrastructural support so that the vehicle can be traced out, in case the same has not been seized by the Bihar police, as yet.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order or on the communication of the learned Advocates.

(Shampa Sarkar, J.)