

D/L19
19.12.2022
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C.R.R.1170 of 2021

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Robindra Kumar Subba @ Ravindra Subba
Versus
State of West Bengal and others

Mr. Pulak Ranjan Mondal,
Mr. Harpal Singh,
Ms. Bandana Mondal,
Mr. Arindam Ghosh.
...for the petitioner.

Mr. P.K. Data,
Mr. Santanu Deb Roy.
...for the State.

Md. Shahjahan Hossain,
Ms. Sanjida Sultana.
...for the opposite party no.2.

Report submitted by Mr. Santanu Deb Roy, learned
advocate appearing for the State be kept with the record.

Report reflects that the Investigating Authorities are
ready to file their report under Section 173 of the Code of Criminal
Procedure before the jurisdictional court.

In view of the opinion arrived at by the Investigating
Agency, the prayer for return of the seized vehicle, as claimed by the
petitioner being one Rabindra Kumar Subba @ Ravindra Subba and
resisted by the opposite party no.2, being Kamaluddin Ahmed, is
not decided by this Court.

Records reflect that there were some observations of the
learned CJM, Alipore in its order dated 26th March, 2021, the same

is set aside.

The petitioner and the opposite party no.2 will file their prayer for return of the seized vehicle individually with all relevant documents before the learned CJM, Alipore on or before 12th January, 2023.

The police authorities are directed to submit their report which is already completed on 16th January, 2023 when both the petitioner and the opposite party no.2 would appear and advance their respective submissions for return of the seized vehicle.

The learned CJM, Alipore will dispose of the application for return of seized vehicle, if required by directing additional report from the Investigating Officer of the case, but by 1st February, 2023 the said application should be disposed of.

With the aforesaid observations, CRR 1170 of 2021 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)