

13.06.2022
Sl. No.2
srm

W.P.A. No. 9432 of 2022

Mithun Das

Versus

The State of West Bengal & Ors.

Mr. Anjan Dutta

...for the Petitioner.

Mr. Debasish Ghosh,
Mr. Domingo Gomes

...for the State-respondents.

Affidavit of service is taken on record.

The petitioner prays for a direction upon the investigating officer to file a report before the learned Judicial Magistrate, 7th Court at Howrah. The report is in connection with the vehicle, which was seized by the police authorities. According to the petitioner, the delay in filing the report has caused irreparable loss and injury and it is apprehended that the vehicle is lying wasted.

The order of the learned Magistrate dated February 25, 2022 is annexed to the writ petition. It appears that the learned Judicial Magistrate had directed the investigating officer to file a report with regard to the seized vehicle before the learned Court on the next date. The next date fixed is July 4, 2022.

Mr. Debasish Ghosh, learned Advocate appearing on behalf of the State-respondents, submits that the date for filing of

the report is July 4, 2022. The said date has not yet arrived. The writ petition is premature.

This Court does not find any inaction on the part of the police authorities. The petitioner is always at liberty to approach the learned Judicial Magistrate, 7th Court at Howrah for necessary orders in case the police authorities fail to comply with the order. This writ petition has been filed on an apprehension that the report may not be filed by the police authorities before the learned Magistrate on the next date.

The writ petition is, therefore, dismissed.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)