

09.06.2022

Item No.19
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1461 of 2021

**Md. Islam
versus
State of West Bengal**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Satadru Lahiri,
Mr. Safdar Azam ... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas ... For the State.

Learned advocate for the petitioner is aggrieved by the order dated 09.07.2021 passed by learned 4th Additional Sessions Judge, Alipore and Special Court under NDPS Act.

Mr. Hossain, learned advocate appearing for the State submits that during the pendency of this revisional application, charge-sheet was submitted on September 2021.

At the stage when the petitioner approached for return of the seized vehicle before the learned Special Court, the report in final form was yet to be submitted before the jurisdictional court and as the investigation was in progress, the learned Special Court was reluctant to release the vehicle.

It has been submitted by the learned advocate for the petitioner as well as the learned advocate for the State that the present petitioner has not been implicated as an accused in the charge-sheet which has been submitted in the instant case.

In view of the aforesaid, I am of the opinion that in case, the petitioner is the registered owner of the vehicle and not the accused in the case, the learned trial court would only check the document regarding the registered ownership of the vehicle issued in favour of the petitioner and thereafter release the vehicle with a condition to produce the same as and when called for in course of the trial of the case. The Special Court would be at liberty to impose other conditions as it deems fit and proper.

Learned advocate for the petitioner has drawn the attention of the Court to the application earlier preferred before the learned Special Court wherein it reflects that the original documents are in the vehicle.

Learned Special Court would, in presence of the Investigating Officer of the case, allow the petitioner to obtain the same by reopening of the seized vehicle.

With the aforesaid observations, the revisional application being CRR 1461 of 2021 is disposed of.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)