

10.01.2022.
Court No.13
Item No. 25
ap

W.P.A. No. 15872 of 2021
(Through Video Conference)
Sri Subhas Kumar Mukhopadhyay
Versus
Union of India & Ors.

Mr. Dulal Kumar Bhattacharyya.
...For the petitioner.

Mr. Arijit Bakshi,
Ms. Swarnali Saha.
..For the UOI.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is aggrieved by the fact that a large number of articles seized by the Central Bureau of Investigation for the purpose of R.C. Case No. 0102020 A0022 under Sections 120B/409 read with Sections 13(2) and 13(1)(a) of P.C. Act, 1988 (Amendment Act, 2018) have not been returned, notwithstanding completion of investigation.

Counsel for the Union would submit before this Court that the writ petitioner has effective alternative remedy before the learned Magistrate and/or Central Bureau of Investigation Court, inter alia, under Section 451 of the Code of Criminal Procedure. Reference is made to the decision of **R.P. Sharma – Vs. – State of Hariyana** reported in **AIR 1978 Supreme Court 1282**.

In view of the above submissions and the law settled in that area, the writ petitioner may take

appropriate measures before the Competent court, inter alia, under Section 451 of the Code of Criminal Procedure to seek return of the articles seized for the purpose of the aforesaid investigation.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)