

08.06.2022

Item No.14
Ct.No.34
dc.

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

C.R.R. 2334 of 2021

**Md. Samsuddin
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401/482 of the Code of Criminal Procedure, 1973.

Mr. Arnab Chatterjee,
Mr. Soumya Basu Roy Chowdhuri ... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty ... For the State.

Learned advocates for the petitioner and the State are present.

I find that the learned Magistrate by his order dated 23.09.2021 was pleased to reject the application for return of the seized vehicle. Having regard to the rival submissions before the learned trial court, the learned Magistrate was pleased to hold that the ownership of the vehicle should be decided by the civil court.

The aforesaid approach although is not against the law, but according to the settled principles, deterioration of such properties must also be taken into consideration.

In view of the aforesaid, the petitioner is granted liberty to file a fresh application before the learned Magistrate wherein the rival claimant as well as the financier should also be made party. The learned Magistrate, while deciding such application, would be at liberty to assess from the financier

as from whom he had received the last of the monthly instalment and to whom the N.O.C. was granted.

With the aforesaid observations, the revisional application being CRR 2334 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.)