

07.03.2022

Item No.103
Ct.No.34
dc.

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

C.R.R. 2696 of 2018
(Via Video Conference)

**Bapi Singh @ Bapi Singha
versus
The State of West Bengal & Ors.**

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

Mr. Sumanta Chakraborty ... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Mr. Pawan Kumar Gupta,
Mr. Kausik Chatterjee,
Ms. Sofia Nesar,
Mr. Santanu Sett ... For the Opposite Party No.2

The subject matter of this revisional application relates to a trawler which is claimed by the present petitioner as opposed to the order passed by the learned Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas. The learned Magistrate in the criminal proceedings directed for return of the trawler to the legal representatives of Purna Chandra Das being the opposite party nos. 2 to 4 (in the revisional application). The jurisdiction of the criminal court in respect of return of a seized property is during the pendency of the criminal proceedings which do not create any right, title and interest over the property which is the exclusive domain of the civil court.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has already approached the civil court and the present opposite parties have produced

documents of questionable nature before the learned Magistrate for obtaining the trawler.

Having regard to the submissions made by the petitioner as well as the opposite parties, I am of the opinion that so far as the ownership of the trawler is concerned that is the exclusive domain of the civil court and the civil court would in addition to deciding the right, title and interest also decide afresh regarding the issue of injuncting the opposite parties from plying the said trawler which involves business benefits. Accordingly, no interference is made so far as the learned Magistrate's order is concerned.

The petitioner would be at liberty to pray for fresh injunction in view of the prayers relating to plying of the vehicle concerned on proper proof of documents and/or rebutting the documents placed by the private opposite parties.

With the aforesaid observations, the revisional application being CRR 2696 of 2018 is disposed of.

Interim order, if any, is hereby vacated.

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.)