Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 2678 of 2021

Mujibar Rahaman
Vs.
The State of West Bengal

For the Petitioner	:	Mr. Sujoy Sarkar
For the State	:	Mr. Swapan Banerjee Mr. Suman De
Heard on	:	21st February 2022
Judgment on :	:	21st February 2022

The Court:

This is an application challenging an order dated 01.11.2021 passed by the learned Judicial Magistrate, 1st Court, Rampurhat, in connection with N.G.R. Case No. 1697 of 2021.

Affidavit of service is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a vehicle in question. The vehicle was seized in connection with non-payment of taxes. A prayer for return of vehicle was made before the learned Magistrate whereupon the learned Magistrate directed the claimant i.e., the registered owner of the vehicle to pay all the taxes as per government norms first and thereafter his prayer for return of the seized vehicle could be entertained. The petitioner is not in a position to pay the taxes and the penalties. Therefore, he prays for instalments.

Learned counsel appearing on behalf of the State submits that this kind of application cannot be maintained before this Court. In any event, the petitioner is challenging an interlocutory order passed by the learned Magistrate.

I have heard the submissions of the learned counsels appearing for the petitioner and the State and have perused the revision petition.

First, if the petitioner were aggrieved with the imposition of penalty or regarding payment of taxes, the same ought to have been brought to the notice of the concerned authorities under the Motor Vehicles Act. If aggrieved with the order of imposition of penalty, he could have approached the appropriate forum.

It is not for the learned Magistrate to entertain such an application for grant of instalment in making payment of taxes or penalty in respect of motor vehicles.

It is obvious that in order to make a vehicle pliable on road, it is necessary that all taxes, penalties and insurance premiums have to be paid. Otherwise the vehicle cannot ply on road.

Therefore, the learned Magistrate was absolutely right to direct the claimant to pay all the taxes as per the government norms and only thereafter, the application for return of vehicle will be decided.

There is no merit in this revisional application and therefore, the revisional application is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(JAY SENGUPTA,J)

SB
Item No. 32