

D/L19
15.09.2022
Bpg.

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 208 of 2022

In Re: An application under Article 227 of the Constitution of India
read with Section 482 of the Code of Criminal Procedure, 1973;

Jahangir @ Jahangeer
Versus
The State of West Bengal and another

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Mr. Bikash Singha.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas.
...for the State.

Record reflects that under Section 59(A) of I.F.A., 1927 an intimation was made to the learned ACJM, Alipurduar that an information has been sent by the Range Officer, Bholka Range B.T.R (E) Division to the D.F.D. B.T.R. (E) authorised Officer to start a confiscation proceeding in respect of the vehicle which was carrying illegal forest produce. Presumably, the said application was made more than three months ago.

The report sought for from the Range Officer today before this Court do not highlight or comment that whether such confiscation proceeding has commenced. The settled proposition of law is that the learned Magistrate will have jurisdiction till the

confiscation proceeding commenced. In case the confiscation proceedings till date has not commenced, the learned ACJM, Alipurduar will be at liberty to impose terms and conditions for handing over the custody of the vehicle after scrutinizing regarding the locus of the present petitioner. To that effect, the authority responsible for the confiscation proceedings may be asked to submit a report before the learned ACJM, Alipurduar.

With the aforesaid direction, the revisional application being CRR 208 of 2022 is disposed of.

Learned ACJM, Alipurduar would consider the prayer of the petitioner in accordance with law and dispose of the same within a period of 60 days of date of communication.

The petitioner is granted liberty to bring the order to the notice of the learned ACJM, Alipurduar by producing server copy of this order.

Department is directed to communicate this order to the learned ACJM, Alipurduar within a week from date.

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

(Tirthankar Ghosh, J.)