

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1034 of 2022

**Ashif Iquebal
Vs.
The State of West Bengal & Ors.**

Mr. Sabir Ahmed
Mr. Sobhan Majumder
Mr. Partha Chatterjee
..for the petitioner

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh
..for the O.P. No.3

Item No.01

Heard & Judgment on: 02.05.2023

Bibek Chaudhuri, J.

One Moidul Molla purchased a vehicle (truck) financed by Sumdaram Finance Limited. As the said Moidul Molla failed to pay E.M.I., the vehicle was seized and subsequently it was placed in auction. One Sunil Mondal purchased the said vehicle through auction.

After purchasing the vehicle he permitted Tushar Mondal to ply the vehicle.

It is the case of the opposite party/Tushar Mondal that he is the registered owner of the vehicle and the registration of the vehicle was made in his name at Barasat, R.T.O. Subsequently, Sunil Mondal purchased the said vehicle through Tushar Mondal. It is the case of the opposite party that Sunil Mondal obtained the signature on certain documents in respect of the vehicle of Tushar Mondal under duress or coercion which the learned advocate for the petitioner has vehemently objected. However, it is a fact that Sunil Mondal's name was registered at Regional Transport Officer, Darjeeling in respect of the vehicle in question. The Investing Officer obtained report from the Regional Transport Officer, Darjeeeling and he clearly submitted a report through the transferor, Tushar and transferee Sunil Mondal had prayed for transfer of ownership of the said vehicle along with requisite fees and under rule 52(3) of the WBMV Rules, 1989 and Form 29, 30 and 30(ii) were executed by Tushar Mondal and it was duly identified by Tushar Mondal himself. He also filed his Aadhaar Card, Electoral I.D. etc. for the purpose of proving his identity. The report of the Regional Transport Officer, Darjeeling was not taken into consideration by the learned Additional Chief Judicial Magistrate, Bishnupur in the impugned order dated 8th February, 2022. It is also

noted that at present the name of the petitioner is recorded as the registered owner in the official record.

Under such circumstances, I set aside the order dated 8th February, 2022 and directed the learned A.C.J.M. to revisit the application filed by the parties considering all the documents in accordance with the law and pass a reasoned order in respect of return of the seized vehicle specially when the vehicle is claimed by two contesting persons.

With the above order the instant revision is disposed of.

The application shall be disposed of within a fortnight from the date of passing of the order. Till disposal of the application the vehicle will remain in possession of Tushar Mondal.

(Bibek Chaudhuri, J.)