

10.04.2023

Item No.14
Ct.No.34
dc.

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

C.R.R. 1053 of 2021

**Sri Dipak Maity
versus
The State of West Bengal**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Md. Sabir Ahmed,
Mr. Ayan Chakraborty,
Ms. Sohini Mukherjee ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Report dated 10.04.2023 submitted by the Investigating Officer of Chandipur Police Station Case No. 155 of 2016 dated 30.06.2016 be kept with the record.

The said report reflects that the investigating agency has no objection if the registered joint owners of the house viz. Smt. Reba Maity and Dipak Maity (petitioner herein) are handed over the key of the premises which is the subject-matter of the case and was run under the name and style as 'Blue View Hotel & Restaurant'.

The spirit of contents in the report of the Investigating Officer reflects that the accused persons committed to the petitioner, who happens to be the registered owner of the said property, to sell the said property and were having access to the said property. However, under the garb of selling the said property, they were running it as brothel as alleged by the Investigating Officer in the charge-sheet. Consequently on a raid, Chandipur Police Station Case No. 155 of 2016 dated 30.06.2016 was registered.

In course of investigation, it revealed that the accused persons were running the hotel/brothel under the name and style of 'Blue View Hotel & Restaurant'. The complicity of the present petitioner could not be established in course of investigation and the petitioner happens to be a witness in the charge-sheet so submitted before the jurisdictional court. The reasons so assigned in the report, *prima facie*, reflects that the petitioner is a registered owner of the property. He is in no way connected with the alleged offences and it has been stated in the report that he was a contractor of CESC authority and had no time to look after his property as he was residing in a separate location. Having considered the contents of the report, I am of the opinion that the key of the three storied house, which is the subject-matter of Chandipur Police Station Case No. 155 of 2016 dated 30.06.2016, may be handed over to the joint owners viz. Smt Reba Maity and the petitioner herein, Dipak Maity.

The learned Additional Sessions Judge, Fast Track, 2nd Court, Tamluk, Purba Medinipur, who is presently in seisin of the case which has been registered as S.C. No. 219 (Nov) 2017 corresponding to S.T. No. 137 of 2017, will impose the condition as it deems fit and proper for handing over the key of the said premises referred to as 'Blue View Hotel & Restaurant' to the joint owners viz. Smt Reba Maity and Dipak Maity, as described in the said report. The same report be placed before the learned sessions court for imposing the condition of bond. Accordingly, the order dated 30.01.2021

passed by the learned Additional Sessions Judge, Fast Track, 2nd Court, Tamluk, Purba Medinipur is set aside.

The revisional application being CRR 1053 of 2021 is, thus, allowed.

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.)