

D/L39
05.01.2023
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C.R.R.1501 of 2021

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

Smt. Dipika Khandekar
Versus
State of West Bengal and another

Mr. Pradyat Saha.
...for the petitioner.

Mr. Bibaswan Bhattacharya.
...for the State.

Petitioner before this Court submits that, without considering the objection of the petitioner in its true and proper perspective, the seized articles were handed over to the de facto complainant except one ear ring.

Mr. Bhattacharya, learned advocate appearing for the State draws the attention of this Court to the police report which was submitted before the learned ACJM, Baruipur and submits that there were scrutiny of the vouchers submitted at the instance of the petitioner and thereafter the report was submitted by the Investigating Officer and on the basis of the same, learned ACJM, Baruipur passed the order.

I do not find any application in respect of which articles claimed have been placed by the present petitioner. The petitioner is granted liberty to file an application narrating the list of articles over which the petitioner makes his claim, which are available in the seizure list. The connected documents be again enclosed.

Learned ACJM, Baruipur would issue notice to the State as also the de facto complainant and thereafter fix a date for hearing. If required, a fresh report may also be called for and then dispose of the application in accordance with law.

With the aforesaid observations, CRR 1501 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

Needless to state that the direction to file a petition and the disposal must be considered independently without being influenced by any observations made in the aforesaid order.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)