

26.06.2023.
Court No.13
Item No. 40
ap

W.P.A. No. 11967 of 2023
Alaka Rani Karmakar & Anr.
Versus
State of West Bengal and others

Mr. Arnab Chatterjee.

...For the petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu.

... For State.

Mr. Kunal Ganguly.

..For the respondent no.6.

1. The petitioners are aggrieved by a seizure of a Bus by the police in connection with FIR No. 50 of 2023 dated 1st April, 2023 under Sections 420/323/34 of the Indian Penal Code registered by Kankartala Police Station.

2. The petitioners claim to be the owners of a Bus and are paying EMIs to the Financier. The petitioners further claim that the original loanee was the respondent no.6. They could not pay the instalments and hence transferred the loan and the vehicle to the writ petitioners.

3. Counsel for the respondent no.6 submits that the terms and conditions of the transfer of the vehicle to the writ petitioners have been violated and hence, his client applied before the concerned Magistrate under Section 156(3) of the Code of Criminal Procedure

whereupon the subject FIR came to be registered. He claims that the vehicle in question is still in his name.

4. The writ petitioners claim that all the documents regarding loan for vehicle in question have been transferred in favour of the petitioner no.1. The writ petitioners have challenged a notice under Section 91 of the Code of Criminal Procedure issued by the Investigating Officer of the case to produce the vehicle in question before the Magistrate concerned.

5. Both the petitioners as well as the respondent no.6 have applied before the Magistrate for return of the vehicle. The said application is pending consideration in view of the instant writ petition.

6. In the above facts and circumstances of the case, the instant writ petition shall stand disposed of directing the learned Judicial Magistrate, Dubrajpur to dispose of the applications of the petitioner no.1, namely, Alaka Rani Karmakar as well as the private respondent no.6, namely, Motiur Rahaman within a period of ten days of receipt of a copy of this order.

7. Investigation into the subject FIR shall be expedited under the supervision and orders of the Magistrate concerned in question.

8. Report of Kankartala Police Station dated 26th June, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta be kept with the record.

9. With the aforesaid directions, the instant writ petition shall stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)