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17.04.2023
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C.R.R.1659 of 2021

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Mahindra & Mahindra Financial Services Ltd.
Versus
The State of West Bengal and another

Mr. Joydeep Roy,
Ms. Sujata Das.
...for the State.

The subject matter of challenge relates to an order dated 10.03.2021 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman in M.P. Case No.44 of 2020 which arose out of G.R. Case No.1079 of 2020.

As none appears on behalf of the State, Ms. Sujata Das, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. Her appearance may be regularised by the concerned authorities.

The order in M.P. Case No.44 of 2020 reflects that such an application was taken out by the financial company/petitioner for return of the seized vehicle.

Records reflect that a case was pending in Asansol (South) Police Station. The seizure was in respect of the particular case pursuant to the Hon'ble High Court passing an order in CRM 814 of 2020. Learned CJM, Paschim Bardhaman, as such, rejected the prayer.

I have considered the contentions advanced therein as

also the reasons so assigned by the learned CJM, Paschim Bardhaman.

Having regard to the manner in which the prayer for return was advanced, I direct that in case any party to a litigation intends to have return of the seized vehicle, the same must be filed in connection with the case in which it has been seized.

Learned CJM, Paschim Bardhaman will see and assess regarding the merits of the matter, the complicity of the company, if any or if any right is created by the petitioner and is retained with the petitioner/company. No interference is called for in respect of the order so passed.

With the aforesaid observations, CRR 1659 of 2021 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)