

CRR 2322 of 2011

In the matter of : Pranab Kumar Dev Barman & Anr.

Mr. Siladitya Banerjee ... for the petitioners

Mr. Binay Kr. Panda
Mr. Pravas Bhattacharyya ... for the State

This revisional application challenges implied refusal on the part of Directorate of Revenue Intelligence, Siliguri Regional Unit in adjudicating the claim of the petitioners praying for return of the seized vehicles bearing Registration Nos. NL02-G-2619 and AS16-A-0732 respectively made by the petitioners in connection with C.R. Case No. 132 of 2011 pending before the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling corresponding to Seizure Case No. 09 / CI / Exp. / DRI / Slg / 2010 – 11 dated 08.2.2021 under Section 135 of the Customs Act. The office report reveals that petitioner Pranab Kumar Deb Barman passed away on 04.01.2020. The proceeding stands abated as against petitioner no. 1. It appears that on 11.8.2011 direction was given to the petitioners to serve notice together with copy of application upon the opposite party i.e. Union of India which has not been complied with. There is every reason to presume that the proceeding being C.R. Case No. 132 of 2011 has reached its logical conclusion as there was no order of stay.

Mr. Banerjee, learned counsel who used to represent the petitioners at one point of time with all fairness submits that he has no instruction.

Under such circumstances, I do not find any reason to interfere with the proceeding at this stage.

However, liberty to given to the petitioner no. 2 to move before the learned Trial Court for return of vehicle. The learned Trial Court is directed to allow the legal heirs of the petitioner no. 1 (since deceased) to seek necessary order for return of the vehicle at an appropriate stage.

With the aforesaid observation, the revisional application is disposed of along with application, if any.

Let a copy of the order along with lower court record be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)