

February 20, 2023
Sl. No. 15
Court No.236
s.biswas

CRR 2814 of 2011

Sri Prabir Kumar Dhali
Vs.
Sri Mahananda Dhali and others

Mr. Sanat Kumar Roy,
Mr. Abhishek Banerjee, Advocates

... for the petitioner

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas, Advocates

... for the State

This revisional application challenges the order dated 6th January, 2009 passed by the learned Additional Chief Judicial Magistrate, Serampore in Uttarpara Police Station Case No.230 dated 29th October, 2008 corresponding to GR Case No.1021/2008. By the impugned order the vehicle in question was given to the custody of the registered owner Mahananda Dhali as an interim measure.

Mr. Sanat Kumar Roy, learned advocate representing the petitioner, submits that the petitioner acquired ownership of the vehicle in question from its registered owner by purchase on 8th December, 2008. Therefore on 6th January, 2009 Mahananda Dhali could not have been the owner of the vehicle in question. The order was passed keeping the petitioner in dark. The petitioner did not have any opportunity to claim interim custody of the vehicle and by preferring this revisional application he wants to have the order impugned reversed and to have interim custody of the vehicle as well. The petitioner admittedly was not a party to

the proceeding being GR No.1021/2008. Without going into the merit of the revisional application, in the interest of natural justice, I am inclined to grant liberty to the petitioner to file a petition before the learned Additional Chief Judicial Magistrate, Serampore or before the transferee court, where the GR No.1021/2008 is pending, seeking interim custody of the vehicle in question. Learned jurisdictional Magistrate shall consider the prayer of the petitioner according to law. With this, the revisional application is disposed of.

The application, if any, stands disposed of.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)