

38 16.11.2023
NB Ct. 14

WPA 22126 of 2023

Nilesh Navlakha
Vs.
The State of West Bengal & Ors.

Mr. Saptarshi Kumar Mal,
Mr. R. A. Khan.
...for the petitioner.

Mr. Suman Sengupta Id. AGP,
Mr. Arindam Mandal,
Mr. Sanatan Panja..
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Supplementary affidavit filed on behalf of the petitioner is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the son of the victims in respect of whose death, a murder case was instituted. Finally, the accused were convicted on the alleged offence of murder. However, the articles seized which included heirlooms of the family were not returned. The petitioner went to file an application praying for return of such articles before the learned Sessions Judge in 2023, but the same was not entertained on the ground that the records were missing and they have to be reconstructed first.

Without an application for return of articles being disposed of by the learned Trial Court, it will not be possible for this Court to intervene in the matter.

The petitioner shall, however, be at liberty to pray for reconstruction of records before the learned Trial Court and/or for return of the said articles.

If such prayer is made, the same shall be decided by the learned Trial Court expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)