

28.02.2023.
Court No.13
Item No. 16
ap

W.P.A. No. 25925 of 2022
Sk. Samim Badsha
Versus
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar.

...For the petitioner.

The petitioner complains that Pursurah Police Station has illegally issued a notice under Section 133 of the Motor Vehicles Act to produce his vehicle for investigation.

The Officer-in-charge, Pursurah Police Station has filed a report dated 17th February, 2023. The same is taken on record.

It appears from the said report that FIR No. 184 of 2022 dated 21st October, 2022 under Sections 279/304A of the Indian Penal Code, has been registered.

The police have reason to believe that the petitioner and his vehicle were involved in the accident in question.

Having heard the submissions of the Counsel for the petitioner, this Court is of the view that the writ petitioner is in gross abuse of process of law. The police are not expected to accept as sacrosanct, any video taken by the accused person from his own mobile to explain that he is no way involved in any crime.

The writ petition is, therefore, dismissed with costs assessed at Rs.5,100/- (Rupees five thousand one hundred only) payable by the petitioner to the Pursurah Police Station. In default of payment of costs, Pursurah Police Station shall take steps in accordance with law.

The petitioner shall produce his vehicle before the Pursurah Police Station mandatorily and positively by 3rd March, 2023 at 3:00 P.M. The petitioner may however apply before the jurisdictional Magistrate for release of the said vehicle and the same shall be considered by the jurisdictional Magistrate in accordance with law.

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.)