

22.08.2024

Court No.35

Item No.11

Subha

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

W.P.A 1590 of 2019

with

CAN 1 of 2019

Mrs. Zinia Basak

Vs

The State of West Bengal and ors.

Mr. Tanmoy Bhattacharyya

Mrs. Mithu Mallick

...for the petitioner.

Mr. Suddhadev Adak

...for the State.

Report submitted in the form of Memo of Evidence by the concerned S.I of Police, Chandannagar P.S., CPC through the learned advocate for the State be kept with the record.

Case diary has already been produced before this court.

The principal grievance of the petitioner is that there have been seizures which include certain negotiable instrument particularly cheques and other documents. The report also indicates under the heading 'property description' that there were seizures having been effected pursuant to the same being produced by Himadri Basak to the Officer concerned of Chandannagar PS being Chandannagar P.S. Case No. 15/2019 dated 25-01-2019.

In view of the seizures being effected in connection with a particular criminal case which is

within the knowledge of the present petitioner and in the said case after investigation, charge-sheet has been submitted before the jurisdictional court, I direct that if an application is preferred before the jurisdictional court by the petitioner for return of the seized documents and/or negotiable instruments and the learned Magistrate in seisin of the matter is of the opinion that the same may be handed over on certain conditions, it would be the discretion of the said court to return such seized materials as is provided in the seizure list in connection with the said case.

Needless to state that the learned Magistrate will also take into account whether the said materials i.e., documents and instruments are such that they are an integral part of such nature which may be required at the time of the trial and without which the trial cannot proceed or the same being handed over to the petitioner may cause impediment to the progress of the trial.

With the aforesaid observations, WPA 1590 of 2019 along with CAN 1 of 2019 is disposed of.

A copy of the report so submitted before this court be handed over to the learned advocate for the petitioner.

Case diary be returned to the learned advocate appearing for the State.

All parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)