

21.11.2024
rc/ct.no.34
Item No.126

CRR No. 1206 of 2024

**In the matter of : Future Generali India Life Insurance
Company Limited**

.....Petitioner

Md. Sabir Ahmed
Mr. Shourjyo Mukherjee
Mr. Tasnim Ahamed
Mr. Vishwarup Acharyya ...for the petitioner

Mr. Rudradipta Nandy
Ms. Sanjana Sahafor the O.P.

The petitioner is aggrieved by the order passed by the learned Additional Chief Judicial Magistrate, Bidhannagar on October 01, 2024 in Cyber Crime P.S. Bidhannagar Case No. 33 of 2022 dated March 03, 2022.

Learned counsel for the petitioner submits that though the learned Magistrate allowed the prayer of the petitioner for return of the vehicle, his prayer for auction of the vehicle under Section 451 of the Code of Civil Procedure was not considered.

The order impugned demonstrates that upon receipt of the report of the Investigating Officer regarding return of the seized vehicle, learned Magistrate directed return of the same subject to certain conditions. There is no reflection in the said order that the application filed by the petitioner under Section 451 of the Code for auction of the vehicle was considered by the learned Magistrate.

It is pertinent to mention that learned counsel for the State submits that he has no objection if the vehicle is auctioned in accordance with due process of law.

In view of the above, the matter be sent back to the learned Magistrate with a direction to consider and dispose of the application filed by the petitioner under Sections 451 and 457 of the Code of Criminal Procedure on the next date of hearing fixed before him upon affording reasonable opportunity of hearing to all concerned, in accordance with law.

In the event the learned Magistrate is unable to dispose of the application on the said date due to unavoidable circumstances, the same be disposed of within two weeks thereafter.

CRR No. 1206 of 2024 is disposed of accordingly.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)