

04-11-2024
ct no. 32
Sl. 53
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C.R.R. 926 of 2017
Chandan Kr. Yadav @ Chandan Yadav
-Versus-

The State of West Bengal & Ors.

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury

..for the petitioner

Mr. Dipankar Mahata

..for the State

1. In spite of giving direction to the petitioner, no written instruction submitted before this Court. The case is pending since 2017.
2. By filing this revisional application under Section 399/401 read with Section 482 of the Code of Criminal Procedure, 1973, the petitioner herein challenges the illegality, correctness and perversity of the order dated 19th January, 2017 passed by the learned Additional Chief Judicial Magistrate, Bishnupur, Bankura in connection with Kotulpur Police Station Case No. 75/2014 dated 20.09.2014 under Sections 394/399 (being Bishnupur Court G.R. Case No. 575/2014) thereby rejected the prayer of the petitioner for release of the amount already kept frozen to the tune of Rs. 5,50,000/- lying in the bank account of the petitioner.

3. The brief fact of the case is that on 20.09.2014, one Sk. Dildar Hossain lodged a written complaint in Kotulpur Police Station alleging, inter alia, that on 19.09.2014 at around 1500 hours the accused along with Julfikar Sk. and Saukat Sk. of village Hatbari under Joypur Police Station were returning from Kotulpur Gorur Haat on their motor cycle. On Joyrambti-Bankadaha Road, near Mangalagouri Cold Storage, another motor cycle came from behind and stopped them and assaulted him on his head causing bleeding injury. The miscreants snatched a green coloured tafil containing Rs. 5,50,000/- and a mobile phone from him. Based on the said facts, a case was registered being Kotulpur Police Station Case No. 75/14 dated 20/09/2014 under Section 394 of the Indian Penal Code. Subsequently, the petitioner was arrested along with another accused and the learned Court below allowed police custody for 5 days.
4. During investigation, one motor cycle bearing registration No. WB 60H 2246, one driving licence in the name of Chandan Kr. Yadav, the petitioner herein and three counter parts of paying in slips of ICICI Bank showing deposit of different amount of money in three different dates between 13.10.2014 and 17.10.20174 was seized. During investigation, the said bank account No. 071205500581

maintained with the ICICI Bank, Purnia Branch has been freezed by the Investigating Officer on 20th October, 2014. Being aggrieved with the said freezing of the account, the petitioner preferred an application before the learned Chief Judicial Magistrate, Bishnupur, Bankura prays for defreezing the said account. Upon such application, the learned Court below sought for report and considering the report of the Investigating Officer, the learned Court below was pleased to pass order the said account will be reopened with a condition that balance amount of the said account should not be lower than Rs. 5,50,000/-.

5. Being dissatisfied with the said order dated 24.07.2015 passed by the learned Chief Judicial Magistrate, Bishnupur, Bankura, the petitioner preferred a revisional application being Criminal Revision No. 26 of 2015 before the learned Additional District and Sessions Judge, Bishnupur, Bankura. The said revisional application has been rejected with an observation that the impugned order was interlocutory in nature and the same was dismissed as not maintainable vide order dated 17.11.2015. In the meantime, the Investigating Officer has submitted charge sheet being Charge Sheet No. 13/16 dated 14.02.2016 under Section 394/411 of the Indian Penal Code against two

accused persons including the petitioner. In the said charge sheet, there was no reference regarding such freezed amount. Accordingly, the petitioner has filed an application on 01.06.2016 before the learned trial Court, praying for releasing of the freezed amount.

6. Considering the materials on record vide order dated 19.01.2017, the prayer was rejected stating, inter alia, that the prayer of the petitioner was earlier rejected by the superior Court.
7. Considering the above facts and circumstances, this Court does not find any sufficient reason or ground to allow the petitioner to withdraw the said amount, which was kept in his bank account until further order. The revisional application is devoid of merit. Hence, it is required to be dismissed.
8. CRR 926 of 2017 is, thus, dismissed.
9. Interim order, if any, shall stand vacated.
10. Let a copy of this order be communicated to the learned trial Court below for information and taking necessary action.
11. In view of the above, connected applications, if any, shall also stand disposed of.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

