

September 18, 2024
45 ARDR

CRR 1872 of 2024
CRAN 1 of 2024

Shasi Gaurava Soni @ Sashi Gourava Soni
Vs.
The State of West Bengal

Adv. Prabir Kumar Mitra,
Adv. Pinak Kumar Mitra,
Adv. Subhanwita Ghosh,

for the petitioner.

Adv. Debasish Roy, Ld. PP,
Adv. Arijit Ganguly,
Adv. S. D.Roy,

...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the judgment delivered by the learned Additional District and Sessions Judge, Fast Track, 4th Court, Barasat dated 9th April, 2024 in Criminal Revision no. 28 of 2024 turning down the prayer of the petitioner for return of his vehicle and affirming the order passed by the learned Chief Judicial Magistrate, Barasat on 1st February, 2024 in connection with New Town Police Station case no. 63 of 2023 dated 2nd March, 2023. It is not in dispute that the petitioner is the owner of the vehicle bearing no. WB12BF 3333. Reports were called for from the Investigating Officer in this regard by the learned trial Court earlier and two reports were submitted by the Investigating Officer which demonstrate that though the vehicle belongs to the petitioner, the initial source of money for purchase of the vehicle is not clear. The first report was submitted on 7th November, 2023 and the second report on 3rd April, 2024. A third report has been submitted today which also records that source of initial down payment for purchasing the seized vehicle has not been traced out. The identical recording made in all the three

reports demonstrate that there has been no progress in investigation of the case since the submission of the first report on 7th November, 2023. It is inconceivable that the investigation has been proceeding for a considerable period of time despite which the initial source of down payment for purchase of the vehicle has not been traced.

In the authority in ***Sunderbhai Ambalal Desai vs. State of Gujrat*** reported in ***(2002) 10 SCC 283***, the Hon'ble Supreme Court has insisted on return of seized vehicle in whatever situation may be, at an early date and has deprecated keeping seized vehicle at the Police Station for a long period.

In view of the fact that the vehicle in question admittedly belongs to the petitioner and investigation of the case has been going on for a considerable period of time, there is no reason why the vehicle should not be returned to the petitioner subject to certain conditions.

Accordingly, the vehicle bearing no. WB12BF 3333 be returned to the petitioner upon furnishing a bond of Rs. 10,00,000/- (Rupees Ten Lakhs) subject to the condition that the petitioner shall not transfer/alienate the vehicle to any person, shall not change the nature, character and colour of the vehicle in any manner whatsoever and shall produce the vehicle before the learned trial Court as and when called for.

Accordingly, CRR 1872 of 2024 and CRAN 1 of 2024 are disposed of.

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

(Suvra Ghosh, J.)