

08.01.2024
Court No.33
Sl.92
SR

CRR 1998 of 2023

In the matter of: Santanu Hazra

... petitioner.

Mr. Soumyajit Das Mahapatra
Mr. Soumya Basu Ray Chaudhuri
Mr. Shamik Chatterjee
Ms. Madhurai Sinha
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir

... for the petitioner.

Mr. Rudradipta Nandy
Mr. Anowar Hossain
Ms. Seema Biswas

... for the State.

The instant Criminal Revisional Application has been filed against the order dated 24th March, 2023 passed by the learned Chief Judicial Magistrate, Paschim Bardhaman in GR Case No.3208 of 2022 arising out of Asansol (North) Police Station Case No.429 of 2022 dated 27th September, 2022 under Sections 467/468/471/473/420/120B/34 of the Indian Penal Code for return of the vehicles bearing Registration No.WB 38AQ/2265, WB 38AV/7473 and WB 38AY/5405, which were seized in connection with GR Case No.3208 of 2022, as aforesaid.

The learned advocate for the petitioner submitted that the petitioner being the accused had been denied of the return of the vehicles, as aforesaid, on an application seeking the same. It is further submitted that on an earlier occasion, the learned trial court in connection with Pandabeswar Police Station case No.124 of 2022 dated 10th October, 2022 the aforesaid vehicles were also seized and

by an order dated 13th March, 2023 passed by the learned ACJM, Durgapur the said vehicles were released and prayed for similar order in the instant case.

The Learned Advocate for the State opposes the prayer for such release since the vehicles belonged to the accused implicated in connection with serious offences concerning promises to grant career opportunities and is of the opinion that on release, the same vehicles will be utilized for further extortionary method. It is further submitted by the Learned Advocate for the State that the vehicles in question are under hypothecation of a Bank and there is every possibility that the vehicles may be sold or transferred illegally to the detriment of the interest of the Bank to which the vehicles are hypothecated. The vehicles are possessed by the accused and at a stage prior to the trial which has not been commenced, the same will be required to be produced at the time of recording of evidence and, therefore, adequate measures are required to be taken to preserve its identity for identification at the time of recording of evidence. The learned trial court is directed to prepare documents with regard to the identification in future and also to safeguard the interest of the Bank to which the same are hypothecated. The vehicles at present are to be kept within the custody of the local police station and the learned trial court is to fix dates for recording of evidence with regard to the identification of the vehicles in question within two months from the date of communication of this order. After completion of two months as aforesaid, the vehicle is to be released to its owner on proper documentation of ownership. Since, the accused persons are not legal owners of the vehicles, the learned trial court is to further authenticate the submission of the

learned advocate for the State with regard to the hypothecation of the vehicles.

The instant Criminal Revisional Application being CRR 1998 of 2023 is, accordingly, disposed of.

A copy of the order be sent to the trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)