

Item No.19
Ct.No.34
dc.

C.R.M. (SB) 105 of 2023

In Re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In Re : **Rifa Tamanna** ... Petitioner.

Mr. Kamalesh Chandra Saha,
Ms. Payel Mitra

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty ... For the State.

Mr. Aniruddha Bhattacharya,
Mr. Uttam Mukherjee,
Ms. Ritwika Ghosh ... For the Opposite Party Nos. 2 to 5.

Report submitted by Mr. Sandip Chakraborty, learned
advocate appearing for the State be kept with the record.

Inspector-in-Charge, Rajarhat Police Station has communicated with the concerned banks but did not find that any Locker was there in the name of the persons named in the FIR.

Learned advocate appearing for the petitioner submits that there are three items in respect of which no seizure has been made and the petitioner apprehends that same has been kept in a Locker which is maintained not with a bank, but at the residence of the respective accused person.

Having considered the fact that the private opposite parties were granted interim bail on 26.04.2023 and subsequently the same was confirmed, at this stage, I am not inclined to interfere with the order relating to bail. However, if the petitioner prefers an application before the

learned Chief Judicial Magistrate, Barasat detailing on the three items concerned, learned Magistrate on an application being filed will give specific directions to the investigating officer to act in accordance with law.

The petitioner would be at liberty also to directly communicate with the investigating officer of the case who would also be at liberty to take steps, if he is satisfied that documentary proof in respect of the items are such that seizure in respect of the same is required in connection with the instant case.

Mr. Bhattacharya, learned advocate appearing for the opposite party nos. 2 to 5 denies of any jewellery being in custody of any of the opposite parties. However, in view of the assertions made by the petitioner, the learned Chief Judicial Magistrate, Barasat or the investigating officer will act accordingly.

With the aforesaid observations, the application being CRM (SB) 105 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)