

CRR No. 2189 of 2024

In the matter of : Shankar Lal Kumawat
..... petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah ...for the petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Mr. S. Saha ...for the State.

Affidavit of service filed by the petitioner is taken on
record.

Report submitted by the State is taken on record.

The contention of the petitioner is that one Swaran Singh purchased the vehicle in question upon obtaining loan from Tata Motors Finance Solutions Ltd. vide agreement dated 2nd January, 2020. The vehicle was hypothecated to the said company and upon Swaran Singh failing to repay the loan, an arbitration proceeding was initiated by the finance company against him and by an order passed on 31st December, 2022, the company was entitled to recover possession of the vehicle.

The petitioner is the auction purchaser who purchased the vehicle from the finance company.

A complaint was lodged against Swaran Singh under Section 302/201 of the Indian Penal Code being Farakka P.S. Case No.226 of 2022 dated 12th July, 2022 and the petitioner's vehicle was seized in connection with the said case.

The petitioner applied for return of the vehicle before the learned Additional Sessions Judge, Fast Track, 1st Court, Jangipur, Murshidabad pursuant to which the learned judge directed the petitioner to submit documents in support of his claim. The documents were sent to the investigation officer of the case for verification. Despite receipt of report from the investigation officer, the petitioner's application for return of the vehicle has not been disposed of as yet.

Learned counsel for the petitioner has relied on the authority in *Sunderbhai Ambalal Desai vs. State of Gujarat* reported in (2002) 10 SCC 283 wherein the Hon'ble Supreme Court has insisted upon prompt exercise of powers under Section 451 of the Code of Criminal Procedure by the Trial Court.

The report submitted by the State indicates that Swaran Singh is the registered owner of the seized vehicle, which is not a fact. It prima facie appears that the vehicle is owned by the petitioner and not Swaran Singh at present.

In view of the above, this Court is inclined to hold that the learned Additional Sessions Judge, Fast Track, 1st Court, Jangipur, Murshidabad be directed to dispose of the application filed by the petitioner for return of his vehicle in the light of the observation made in this order as well as the authority in *Sunderbhai Ambalal Desai (supra)* within two weeks from the date of communication of this order, in accordance with law.

The revisional application being CRR 2189 of 2024 is disposed of.

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

(Suvra Ghosh, J.)