

09.12.2024
rc/ct.no.34
Item No.33

CRR No. 2557 of 2024

In the matter of : Sabrina Khatun

.....Petitioner

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
Ms. Deblina De

...for the Petitioner

Mr. Joydeep Biswas
Mr. Arup Sarkar

....for the State

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order passed by the learned Additional Chief Judicial Magistrate, Kalyani, Nadia on January 25, 2024 in G.R.Case No. 113 of 2024 turning down the prayer of the petitioner for return of the seized vehicle.

In the impugned order, the learned Magistrate held that the petitioner was not the owner of the vehicle and therefore the vehicle could not be returned to her.

It appears from the seizure list dated January 07, 2024 that the vehicle being one TVS motor cycle bearing registration number WB-90G-7022 was seized from the house of the private opposite parties in connection with the present case. The provisional money receipt for purchase of the vehicle indicates that it was purchased by one Sanimul Hossain Mondal on behalf of Litan Mondal, private opposite party no. 2 and husband of the petitioner.

Learned counsel for the petitioner submits that Sanimul Hossain Mondal is the brother of the petitioner and made payment for purchase of the vehicle.

The provisional money receipt indicates that the said payment was made on behalf of Litan Mondal. Therefore it can be inferred that the payment was made by Litan Mondal through Sanimul Hossain Mondal. The vehicle is admittedly registered in the name of Litan Mondal.

Since the petitioner has not been able to produce any document demonstrating her ownership of the vehicle or that the vehicle was purchased by her cousin and not Litan Mondal, the learned Trial Court has rightly refused the prayer of the petitioner for return of the vehicle to her. There is no illegality or irregularity in the impugned order that calls for interference by this Court.

In view of the above, the revisional application being CRR No. 2557 of 2024 is dismissed.

The order impugned dated January 25, 2024 passed by the learned Additional Chief Judicial Magistrate, Kalyani, Nadia on January 25, 2024 in G.R.Case No. 113 of 2024 is affirmed.

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

(Suvra Ghosh,J)