

S/L 29
30.01.2024
Court No.14
SD

WPA 18000 of 2023

Mithu Choudhury
Vs.
State of West Bengal & Ors.

Mr. Saikat Dey
Ms. Tapati Sarkar

...for the Petitioner.

Mr. Rudranil Dey
Ms. Kalpita Paul

...for the State.

Md. Wasim Akram
Ms. Rashmi Khatun

...for the Respondent No.5.

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

Learned counsel appearing on behalf of the petitioner submits as follows. As the wife of the victim deceased, the petitioner is entitled to have custody of the vehicle that was seized in connection with the Chetla PS Case No.15 dated 29.4.2023 under Sections 279, 338 and 427 of the IPC. Subsequently, a charge of Section 304A of the IPC was added. Afterall, the petitioner has been shown as the nominee in the insurance policy meant for the vehicle.

Learned counsel appearing on behalf of the private respondent no.5 submits as follows. The private respondent no.5 is the actual wife of the petitioner. The two got married much before the alleged date of marriage of the victim and the present petitioner. The second marriage is not a valid one and is under challenge before a civil court.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the vehicle

has been seized in connection with the police case. The police is no position to consider the prayer for release. An appropriate prayer has to be made before the learned trial court.

The writ petition is disposed of by granting liberty to either of the petitioner and the respondent no.5 to pray for return of the vehicle in connection with the said police case before the criminal court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)