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25.09.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 21490 of 2024

Sibaji Mistry
Vs.
The State of West Bengal & Ors.

Mr. Pradip Kumar Kundu
...for the petitioner

Mr. Wasim Ahmed,
Mr. Md. Shehabuddin
...for the State

Affidavit of service filed today be taken on record.

The petitioner has filed this writ petition praying for an order directing return of the personal articles of the petitioner as well as his mother, which has been taken by the respondent no. 6, which, according to the petitioner, are not the *stridhan* articles of the said respondent.

The articles were seized pursuant to a direction passed in connection with a proceeding initiated under Sections 498A/406 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

It has been submitted by the learned Advocate for the petitioner that at present the said proceeding is pending before the learned Additional Chief Judicial Magistrate (I/C Bengal), South 24 Parganas at Alipore.

Since the articles were seized in terms of the direction passed by the learned Additional Chief Judicial Magistrate, the petitioner will be at liberty to approach the learned Magistrate for return of the articles, which, according to the petitioner, is not the *stridhan* property of the sixth respondent.

Whether the articles taken back by the sixth respondent are *stridhan* articles of the sixth respondent or not cannot be decided by the writ court.

In view thereof, this Court is not inclined to grant any relief to the petitioner.

With the above observations and directions, this writ petition stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)