

IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Heard on: 08.07.2024

Delivered on: 08.07.2024

CORAM:

The Hon'ble Mr. Chief Justice T. S. Sivagnanam
and
The Hon'ble Mr. Justice Hiranmay Bhattacharyya

M.A.T. of 2306 of 2023

Nilesh Navlekha
Versus
State of West Bengal & Ors.

Appearance:-

Mr. Aniruddha Chatterjee
Mr. Saptarshi Kumar Mal
Mr. Rishabh Ahmed Khan

.....For the Appellant

Mr. Suman Sengupta
Mr. Arindam Mondal
Mr. Sanatan Panja

.....For the State

JUDGMENT

(Judgment of the Court was delivered by T.S. Sivagnanam, C.J.)

1. This appeal by the unsuccessful writ petitioner is directed against the order dated 16.11.2023. By the said writ petition the petitioner, who is the son of the victim in a murder case, sought for return of the seized articles which

included heirlooms of the family. An application was filed before the learned Sessions Judge which appears to have not been entertained on the ground that records were missing and they have to be reconstructed.

2. Learned Single Bench rightly observed that without an application for return of articles being disposed of by the learned Trial Court, it is not possible for the court to interfere. Therefore, liberty was granted to pray for reconstruction of records before the learned Trial Court and/or for the return of the said articles. If such prayer was made by the appellant, the same was directed to be decided by the learned Trial Court expeditiously and in accordance with law.
3. We find no error in the order impugned for us to interfere.
4. Accordingly, the appeal is dismissed.
5. Liberty is granted to the appellant to file an appropriate application before the learned Trial Court which shall be considered in accordance with law.
6. Learned advocate for the appellant submitted that the trial court records are very voluminous and requested permission to file all essential papers which will be required for decision making by the learned Trial Court.
7. This request appears to be reasonable and the appellant will file such application and shall append all essential papers and documents so as to enable the learned Trial Court to take a decision on the prayer which is to be made.
8. There shall be no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. Sivagnanam)
Chief Justice

I agree.

(Hiranmay Bhattacharyya, J.)

S. Banerjee/Krishnendu ARs(Ct.)