

M/L 418
09.12.2024
Kausik
ct.no.35

W.P.A. 28856 of 2023

**Rasidul Mondal & Anr.
Versus
State of West Bengal & Ors.**

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
Ms. Iqra Rahaman

...for the petitioners.

Mr. Suman Ghosh
Mrs. Munmun Tewary

...for the state.

Learned advocate appearing for the petitioner submits that he has taken a tractor with loan from finance company and is under an obligation to clear the EMIs. However the said vehicle on agreement was transferred for usage and the same thereafter is not traceable nor the EMIs are being paid.

Petitioner's main grievance is that the private respondent inspite of promising has failed to pay the remaining EMIs.

The petitioner lodged a complaint with Sundarban Coastal Police Station in consonance with the same, the concerned police station has registered Sundarban Coastal PS Case No. 4 dated 04.01.2024 under sections 406/506 of the Indian Penal Code. The investigation of the case is under progress.

Learned advocate for the state submits that the respondent no. 4 is in possession of the tractor. However the tractor is out of order and is not in a position to be shifted.

Petitioner will apply before the learned jurisdictional magistrate for appropriate directions for return of the tractor. Provided a notional seizure has been made by the police authorities in connection with the aforesaid criminal case.

If such an application is filed, learned Magistrate would dispose of the same in accordance with law within a period of 45 days of filing of the said application.

With the aforesaid observations WPA 28856 of 2023 is disposed of.

Report so submitted by the state be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)