

03.09.2025
Sl. No.20
AMR
Ct.No.23

**CRR 465 of 2024
With
IA No.: CRAN/1/2024**

**Bikash Kumar Bhowmick @ Bikash Bhowmick
vs.
The State of West Bengal & Anr.**

Mr. Arindam Sen

...for the State

1. The petitioner, Bikash Kumar Bhowmick @ Bikash Bhowmick, the original owner of the vehicle, i.e., Mini Bus bearing registration no. WB-19D-5919 has preferred the present revisional application assailing the order dated 17.01.2024 passed by the learned Chief Judicial Magistrate, Howrah, in connection with Shibpur Police Station Case No. 447 of 2023 under Sections 406/420/506 of the Indian Penal Code, which is pending before the learned Chief Judicial Magistrate, Howrah.

2. By the said impugned order, the learned Chief Judicial Magistrate, Howrah, directed to release of the vehicle in favour of the accused, Samit Talukdar, upon an elaborate consideration of the submissions advanced on behalf of the defacto complainant as well as the present petitioner, and further directed the Investigating Officer to return the seized

vehicle to the accused after completion of all legal formalities, subject to execution of a Zimmabond of Rs. 4,00,000/- and on the further conditions that (i) the vehicle shall not be disposed of, (ii) its nature and character shall not be altered, and (iii) the same shall be produced before the trial Court as and when called for.

3. None appears on behalf of the petitioner. No accommodation sought for. Even on earlier occasion none represented the petitioner.

3. Learned counsel for the State has submitted a report on an earlier occasion. A perusal of the report, it discloses that the case was registered against the accused on the basis of a written complaint lodged by the present petitioner/original owner under Sections 406/420/506 IPC, resulted in registration of Shibpur P.S. Case No. 447 of **2023** under Sections 406/420/506 IPC.

4. Upon completion of investigation, however, the Investigating Officer submitted a final report treating the matter as mistake of fact. It is noticed that no Naraji petition has been filed by the defacto complainant, and consequently the case continues to remain pending.

5. Further, upon perusal of the report submitted by the Officer-in-Charge dated 07.03.2024, it is revealed that the vehicle had already been delivered to the opposite party no. 2, who was the

proposed purchaser in terms of an Agreement for Sale, and who had paid a part of the agreed consideration amount to the petitioner herein. It also appears from the order of trial court that the possession of the vehicle was already handed over by the owner to opposite party no.2.

6. Having regard to the facts and circumstances noted hereinabove, this Court does not find any illegality, irregularity or perversity in the order impugned. This court is conscious that agreement for sale does create right and title of the proposed purchaser, however, the owner himself handed over the vehicle and it is not disputed. From the report , it further appears that the opposite party no.2 already paid Rs. 1,68,000/- out of total consideration amount of Rs. 3,50,000/- That apart paid Rs. 70,904/- for insurance and C.F of the said vehicle and plying for commercial purpose. Therefore, the said order, in the considered view of this Court, does not warrant any interference in exercise of Revisional jurisdiction.

7. Accordingly, the Revisional application being **CRR 465 of 2024** stands **dismissed**.

8. Let a copy of this order be transmitted to the learned Court below forthwith for information and necessary compliance.

9. The connected application being **CRAN/1/2024** also stands disposed of.

10. There shall be no order as to costs.

11. Parties are permitted to act on the basis of the server copy duly down loaded from the website of the Hon'ble High Court.

12. Urgent certified copy, if applied for, shall be made available to the parties on compliance with usual formalities.

(Ajay Kumar Gupta, J.)