

13.02.2025
Court No. 35

Item No.68
Rakib

W.P.A. 2289 of 2025

Agniv Sinha.
VS
The State of West Bengal & Ors.

Mr. Sourav Guha.

... for the Petitioner.

Mr. Sujoy Sarkar,

Ms. Sneha Srivastava,

Ms. Debolina Goswami.

... for Respondent nos.4 to 5.

Mr. Vimal Kr. Shahi,

Ms. Rupsha Chakraborty.

... for the State.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that the
investigating officer of Barasat Police Station case no.
341/2024 has not only been investigated in an
ineffective manner but also he has facilitated
circumstances to the advantage of the accused
persons. In order to draw the attention of the Court
learned advocate pointed out regarding the order of
bail being passed by the learned Magistrate, as also
relating to the issue of return of the seized vehicle and
non-addition of proper sections by the investigating
officer of the case.

State has submitted a report. Report reflects
that so far as the return of the vehicle to the power of
attorney holder is concerned the same was done
because an artificial person being Crown Enterprise

was the actual owner of the trailer which was the offending vehicle. As such the proprietor Monirul Sekh reported to the investigating officer and thereafter the vehicle was received by the power of attorney holder on an appropriate application being furnished before the Court.

To that effect, I do not find any illegality for return of the seized vehicle. So far as the order of the bail is concerned in respect of one Monirul Sekh an application for cancellation of bail was preferred before the jurisdictional Court, the same was refused on 5th of December, 2024. Although that may be a ground for raising the issue relating to prejudice but fact remains that an alternative efficacious remedy is available, in case petitioner is dissatisfied with an order of cancellation of bail by the jurisdictional Court.

So far as the issue relating to no investigation being carried out under the relevant provision of the Motor Vehicles Act is concerned there is some substance in the issue canvassed by the petitioner but having considered that the investigation of the case has been concluded by the investigating agency, I am of the view that in case the petitioner is aggrieved, petitioner would take out an appropriate application under the relevant provision of Section 173(8) of the

Code of Criminal Procedure before the jurisdictional Court.

Learned advocate for the respondent nos. 4 and 5 is present and submits that the accusations made against the respondents in the writ petition are without any basis and are lacking factual foundation, which has been denied by the learned advocate appearing for the petitioner.

In view of the observations, I direct that the petitioner would be at liberty to ventilate his grievance, particularly with regard to no investigation being carried out under the Motor Vehicles Act by way of taking out an appropriate application, if so advised under Section 173(8) of the Code of Criminal Procedure.

With the aforesaid observations WPA 2289 of 2025 is disposed of.

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

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)