

C.R.R. 1656 of 2023

Sri Subrata Halder
Vs.
The State of West Bengal & Anr.

Mr. Sabyasachi Mukherjee
Mr. Mrinmoy Nandy
Ms. Swastika Saha
Ms. Debjani Chakraborty
Mr. Ranabir Halder
Ms. Anushka Bose ... for the petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick ... for the State

1. Report filed by the State is taken on record.
2. Despite notice, none appears to represent the opposite party no. 2.
3. This application has been filed under Section 482 read with Sections 397 and 401 of the Code of Criminal Procedure for setting aside the impugned order dated February 3, 2023 passed by the learned Court of Chief Judicial Magistrate, at Barasat in connection with G.R. Case No. 503 of 2022.
4. It is submitted by the learned advocate appearing on behalf of the petitioner that on the basis of the complaint lodged by the *de facto complainant* the investigation was concluded and the charge sheet was submitted. However, after the present petitioner filed one application praying for return of the valuable documents which were seized by the Investigating Officer of this case the learned Court without assigning any reason refused to entertain considering the report furnished by the Investigating Agency before the Court.

5. It is also submitted that those documents are necessary for producing the same in the proceeding pending before the Civil Court. That apart the report placed before this Court whereby it was mentioned by the S.I. of the police that those documents are lead to investigate and necessary to examine the authentication and originality of the seized documents and there is a possibility of tampering with those documents and also that the land might be sold to other person for which the case will suffer a serious setback and raises objection.
6. Learned advocate representing the State on the other hand raises objection and submits that this petition has got no merit and is liable to be dismissed. The investigating agency expressed their concern for the documents and the learned Court considered the same.
7. Heard the submissions of the learned advocates for the parties and perused the record.
8. The order impugned has passed by the learned Court *prima facie* appears to be very cryptic as no reason has been assigned excepting that perused the report and considered.
9. The report on the other hand assigns some reason why the Investigating Officer expresses his concern in respect of those seized documents.
10. The petition has been filed by the petitioner is also a very cryptic one without assigning any reason as to the necessity of those documents returned back which was seized by the Investigating Officer. Therefore, primarily, this Court is of the view that the matter should be heard afresh by the learned Magistrate after assigning appropriate reasons.

11. The petitioner is given liberty to file the petition afresh before the learned Magistrate and the learned Magistrate is directed to dispose of the same within two months from the date of receipt of this order after giving an opportunity of hearing of both the parties.
12. Hence this Criminal Revision stands allowed. The order passed by the Learned Magistrate is hereby set aside.
13. Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)