

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3100 of 2024
with
IA No. CRAN 1 of 2024

Arpon Banerjee
Vs.
The State of West Bengal

Mr. Nilendra Narayan Ray
... For the petitioner

Mr. Debasish Roy, Ld. PP
Mr. Saryati Datta
Mr. Sachit Talukdar
... For the opposite party/State

1. Both the learned counsel appearing on behalf of the parties to this revisional application are present.
2. This revisional application has been filed assailing the order dated 4th April, 2024 passed in connection with GR Case No.1954 of 2023 corresponding to Katwa Police Station Case No.1063 of 2023 dated 4th November, 2023 under Sections 420/406 of the Indian Penal Code.
3. Learned counsel appearing on behalf of the petitioner has submitted that by the order dated 2nd January, 2024 in connection with the above referred case, the learned Additional Chief Judicial Magistrate, Katwa, allowed the application for return of vehicles with stringent conditions of bank security/cash security/land security of equivalent value of the respective vehicles along with personal bond of similar value of vehicles on

condition to not alienate/transfer/sell/change the colour of the same during pendency of the instant case.

4. Learned counsel appearing on behalf of the State has submitted that this petitioner, at the time of giving statement which is duly recorded under Section 164 of the Code of Criminal Procedure (Section 183 of the BNSS), denied the ownership of the vehicles. However, subsequently, on production of the documents before the Court, learned Magistrate allowed his application for return of the vehicles.

5. However, I find hardly any scope to interfere with the order of return of vehicles pursuant to the ratio of celebrated judgement of **Sunderbhai Ambalal Desai v. State of Gujarat** reported in **2002 Sup. (3) SCR 39 = (2002) 10 SCC 283**.

6. Learned counsel appearing on behalf of the petitioner has prayed for modification of the conditions, specially with respect to bank security/cash security/land security.

7. Considering all facts and circumstances as well as the principle enunciated in **Sunderbhai Ambalal Desai** (supra), I modify the conditions to the following effect:-

“(i) Vehicles be returned to its owner after verification subject to furnishing bond of similar value of the vehicles on condition not to alienate/transfer/sell/change the colour of the same during pendency of the instant case.

(ii) Investigating Officer is directed to hand over the vehicles after preparing *panchnama* of the vehicles for future reference.”

8. With the aforesaid observation and direction, the instant revisional application stands disposed of along with the connected application.

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

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Bibhas Ranjan De, J.)