

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 2949 of 2023

Jenarul Sk.
Vs.
The State of West Bengal

Mr. Ayan Bhattacharjee, Sr. Counsel
Mr. Asif Dewan
... For the petitioner

Mr. Madhusudan Sur
Mr. Dipankar Paramanick
... For the State

1. This revisional application has been filed assailing the order dated 11th May, 2023 passed in connection with GR No.2482 of 2019 whereby the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad kept one application for returning vehicle back to the owner. Learned Magistrate fell himself in dilemma regarding the investigating authority yet to be decided by the Hon'ble Division Bench of this Court in connection with WPA (P) No.493 of 2022.

2. Learned senior counsel appearing on behalf of the petitioner has submitted that the application for returning vehicle back to the owner cannot be the subject matter of investigation. In support of his contention, he has relied on a case of **Sunderbhai Ambalal Desai v. State of Gujarat** reported in **2003 SCC(Cri) 1943**, particularly paragraph 15 which runs as follows:-

“15. Learned Senior Counsel Mr Dholakia, appearing for the State of Gujarat further submitted that at

present in the police station premises, a number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to their owners or to the person from whom the said vehicles are seized by taking appropriate bond and guarantee for the return of the said vehicles if required by the court at any point of time.”

3. Learned counsel appearing on behalf of the State has submitted that there are other cases of similar nature pending against the petitioner.

4. Considering the rival contention advanced on behalf of the parties, I find that the learned Magistrate ought to have disposed of the application in terms of the principle laid down by the Hon’ble Apex Court in **Sunderbhai Ambalal Desai** (supra).

5. However, the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, is requested to dispose of the application already filed on behalf of the petitioner on 11th May, 2023 within four weeks from date by passing a reasoned order and after giving an opportunity of hearing to the parties.

6. With the aforesaid observation and direction, the revisional application stands disposed of.

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

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)