

Sl.No. 10.03.2025
I
Court
No. 35
G.S.Das

WPA 23109 of 2024

Kotak Mahindra Bank Limited
-Vs-
The State of West Bengal & Ors.

Mr. Abhishek Bhattacharjee
... for the Petitioner(s)

Mr. Santanu Kr. Mitra, Id. Sr. Govt. Adv.
Ms. Kakali Pal
... for the State-respondent(s)

Report filed by the Inspector-in-charge of Rampurhat Police Station, Birbhum reflects that the respondent no.4, namely, Tufan Sk has sold the JCB to Sandip Tewari and Santosh Tewari. The vehicle was initially seized in connection with Raniganj P.S. Case No. 381 of 2019.

The records of the case reflect that, as the respondent no.4 claimed himself to be the owner of the vehicle and prayed for returning of the JCB, learned CJM, Paschim Bardhaman by an order dated 17.05.2022 released the vehicle on a *Zimma* Bond of Rs.50,00,000/- in favour of the respondent

no.4.

The bank authorities, thereafter, filed an application for recalling of the said order which was dismissed by the learned CJM, Paschim Bardhaman. Subsequently, a revisional application was preferred before this Court.

This Court by an order dated 19.12.2023 in CRR 502 of 2023 was pleased to direct that the petitioner was supposed to produce documents in respect of retaining custody of the vehicle and the police authorities were further directed that if the bank authorities intend to cross-check the same as to whether the respondent no.4 is complying with the direction of this Court, the Investigating Officer will share the acknowledgment/documents with the bank authorities regarding the availability of the JCB.

As it has been claimed in the

report of the Inspector-in-charge of Rampurhat Police station that the vehicle has been sold, there has been complete violation of the order, particularly, the bond furnished before the learned CJM, Paschim Bardhaman where the respondent no.4 undertook to furnish a bond for a sum of Rs.50,00,000/- for the JCB to be retained in his custody.

In view of the aforesaid, I direct the Raniganj police station to register a case under Section 316 of the BNS, 2023 against the respondent no.4 and take him into custody for tracing out the said JCB.

The Inspector-in-charge of Rampurhat Police Station has produced the respondent no.4/Tufan Sk before this Court. He is directed to hand over said Tufan Sk to the Inspector-in-charge of Raniganj police station to register a case and proceed with the investigation for recovery of the JCB which is the subject-

matter of this case.

With the aforesaid observations,
WPA 23109 of 2024 is disposed of.

Pending application, if any is also
disposed of.

Report so submitted before this
Court be kept with the record. A copy of
the report (without Annexure) be handed
over to the learned advocate for the
petitioner.

The Inspector-in-charge of Raniganj
police station is directed to act in terms
of the directions above and on the
communication, if any, to be made by the
learned advocate for the State.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

