

CRR 4369 of 2023

**Amalendu Acharjee
Vs.
The State of West Bengal and Anr.**

Mr. Sk. Zubair Ahmed

... For the Petitioner.

Mr. Madhusudan Sur

Mr. Dipankar Paramanick

... For the State.

1. The petitioner being the registered owner of vehicle being registration no. AS 01-DD 6642 (Engine No.B591803111M63213825 and Chassis No. MAT466385B2P28798) preferred this application under Section 401 read with 482 of the Criminal Procedure Code, 1973 (in short "Cr.P.C.") challenging the judgement and/or order dated 4th August, 2023 passed by the Additional Sessions Judge -cum- Judge Special Court, Hooghly in N.D.P.S. Case No.39 of 2016 arising out of Dankuni Police Station case No.453 of 2016 dated 1st December, 2016 under Sections 21(C)/25/29 of the Narcotic Drugs & Psychotropic Substance Act, 1985.

2. While disposing of the aforesaid case, the Trial Court found all six accused persons are not guilty and accordingly they have been acquitted under Section 235(1) of the Cr.P.C. The Trial Court also directed to destroy seized alamt including the vehicle and/or confiscated after expiry of the period of preferring appeal.

3. The petitioner herein challenged the said particular direction of the Trial Court with regard to the disposal of the seized vehicle claiming that he is the registered owner of the vehicle, which should be released to him.

4. It is further contention of the petitioner that though he was initially made an accused but subsequently, not charge sheeted and not even tried, therefore, the vehicle should be handed over to him.

5. On the other hand, learned counsel appearing on behalf of the State vehemently opposes the prayer of the petitioner and draws attention to this Court to the notification dated 16th January, 2015 specially Sub-clause (e) of clause 9. It indicates that any vehicle seized along with the drugs shall be sold by way of tender or auction as determined by the Drug Disposal Committee.

6. It is admitted fact that the Petitioner has not made any application before the Trial Court for releasing of the said vehicle either before trial or after conclusion of trial. He should have made a proper application before the Trial Court substantiating his contention that he is the registered owner of the vehicle by documentary evidence. His contention is only that when all the accused persons have been acquitted then the vehicle should have been handed over to the registered owner itself.

7. Having heard the submission of the learned counsel appearing for the parties and after careful perusal of the notification, this Court finds that no useful purpose would be sub-served by keeping this revisional application as he approached this Court in pre-matured stage. Therefore, this application is required to be disposed of with a direction to the petitioner to make an appropriate application before the Trial Court if so advice and in turn the Trial Court shall dispose of the same in accordance with law after giving an opportunity of hearing to the parties including the State, if not, already vehicle disposed by the authority.

8. With the aforesaid direction, **CRR 4369 of 2023** is thus, disposed of. Consequently, all connected pending applications, if any, are also disposed of.

9. Interim orders, if any, shall stand vacated.

10. Let a copy of this order be communicated to the Trial Court for information and taking necessary steps.

11. All parties are to act in terms of the copy of this order downloaded from the official website of this court.

(Ajay Kumar Gupta, J.)