

18.03.2025
Court No. 35
Item No.124
Rakib

W.P.A. 28005 of 2023

Esma Parvin.
VS
The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee,
Ms. P. Dey,
Ms. Swastika Saha.

... for the Petitioner.

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed,
Mr. Purnendu Sekhar Ghosh.

...for the respondent nos. 7to10

Mr. Jayanta Samanta, Jr. Govt. Adv.

...for the State.

Affidavit-of-service filed by the petitioner be kept
with the record.

Petitioner is aggrieved by the fact inspite of
initiation of the criminal case the investigating officer did
not seize the stridhan articles.

State has submitted two reports, one by the
Inspector-in-Charge, Rajarhat Police Station and another
by the Inspector-in-Charge, Madhyamgram Police Station.

I find that Madhyamgram PS case no. 629/2018
dated 18.11.2018 was registered for investigation and
there were seizures effected in connection with the said
case which included certain gold ornaments among
others. The said seized items were handed over to Esma
Parvin on zimma bond. Another case was registered being
Madhyamgram Police Station case no. 159/19 dated
06.04.2019.

In respect of the aforesaid two cases on conclusion of investigation charge-sheet was submitted before the Jurisdictional Court and as submitted by the learned advocate for the State both the cases are still pending.

Petitioner on or about 25.09.2023 submitted a representation in respect of certain stridhan articles not being available. Such representation partially seems to be disputed in view of the seizures having been affected. Although, all the items which have been referred to her may not have been recovered but some of the items are reflected in the seizure list.

In view of the aforesaid, I grant liberty to the petitioner to approach the Jurisdictional Court in seisin of Madhyamgram Police Station case no. 629/2018 and/or Madhyamgram Police Station case no. 159/2019. In case such an application is filed the learned Court would check the records of the case in respect of the seizures and thereafter pass necessary orders in accordance with law.

With the aforesaid observations WPA 28005 of 2023 is disposed of.

Reports so submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)