

Item no. 20
19.08.2025
Ct. 02
sayandeep

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 1616 of 2025

**Rohini Mandal@Rohini Karmakar Mandal
versus
State of West Bengal & Ors.**

**Mr. Sudipto Kr. Majumdar, Sr. Advocate
Mr. Subhankar Dutta
Ms. Somdatta Patra
Ms. Swagata Mitra**

...For the Petitioner.

**Mr. Subir Kr. Saha, Ld. AGP
Ms. Bedshruti Bose**

....for the State

1. On 14th August, 2025, this Court taking note of the peculiar facts noted in the petition was, inter alia, pleased to pass the order which is reproduced hereunder:

1. "The petitioner would complain that bike belonging to the petitioner's husband who happens to be the accused in connection with Kotwali Police Station case no. 541/25 dated 11th June 2025 under Section 316(2)/318(3)/318(4)/61(2)/126(2)/303(2)/351(2)/3(5) of Section 35 of the BNSS, 2023 has been seized.
2. According to Mr. Sudipto Kumar Majumder, Learned senior advocate appearing for the petitioner the aforesaid seizure has been effected without any seizure memo being made over to the petitioner
3. Ms. Bose, learned advocate appearing for the State submits that in the instant case diverse allegations have been leveled against the husband of the petitioner who is the accused. On the basis of the instruction available she submits that when the Investigating Officer

reached the petitioner's premise in connection with Kotwali Police Station case no. 541/25 dated 11th June 2025, since no one was available and the bike was found abandoned, the Investigating Officer had seized the bike. According to her, none one has come forward to establish ownership by production of document.

4. Having heard the learned advocates appearing for the parties, I am of the view that the Investigating Officer in connection with Kotwali Police Station case no. 541/25 should be personally present in Court when the matter is taken up next with all case records.

List this matter on 18th August 2025"

2. Since then when the matter is taken up for consideration, in response to a query from this Court, Mr. Bose, learned advocate representing the State had submitted that the act of seizing the bike was entirely unintentional. According to her, the bike ought not to have been seized from the petitioner's premises. The matter was adjourned awaiting further steps from the respondents. Today when the matter has been taken up, Ms. Bose, learned advocate appearing for the State would submit that the bike in question bearing registration No. WB64AC3793 (Royal Enfield, 650cc) which is owned by the petitioner's husband has since been returned to the petitioner.
3. Mr. Majumdar, learned senior advocate representing the petitioner would acknowledge such fact.

4. Having regard thereto, since the bike in question has already been returned, I am of the view nothing survives in the instant writ petition, the same is accordingly disposed of by recording the factum of the return of the bike to the petitioner.
5. The personal appearance of the I.O., namely, Dhima Karjee is accordingly dispensed with.
- 6.** With the above observations and directions, the writ petition is disposed of.
- 7.** There shall be no order as to costs.
8. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Raja Basu Chowdhruy, J.)