

10.03.2026
Court No. 29
D/L.14
Rakib/Kausik

CRR 888 of 2026
IDFC First Bank Ltd.
VS
State of West Bengal & Ors.

Mr. Ayan Bhattacharjee, Sr.Adv,
Mr. Avik Ghatak,
Mr. Fahad Imam,
Mr. Sagnik Mukherjee,
Mr. Abhishek Bhattacharya,
Mr. Shibnath Bhattacharjee.
...for the Petitioner

Mr. Suman De
Ms. Afreen Begum
...for the State

Affidavit-of-service filed by the petitioner is taken on record.

The petitioner/bank herein has prayed for setting aside of an order dated 09.02.2026 passed by learned Fast Track Court, Kalyani, Nadia in connection with S.C. Case no. 317 of 2025. On the basis of the letter of complaint the FIR was lodged alleging the commission of offence punishable under Sections 310(2)/317(3)/61(2) of the BNS, 2023 read with Sections 25(1)(a) of the Arms Act. The allegations levelled in the said letter of complaint are *inter alia* to the effect that on 19.08.2025 at about 18.23 hours two unknown miscreants being armed with fire arms entered into the branch of the petitioner/bank and overpowered the *de-facto* complainant and other staffs and forced them to open vault and took away the gold ornaments belonging to the various customers which have been kept in the said vault of the bank. Thereafter the ornaments were recovered and during trial the valuable ornaments were also marked as exhibits. Thereafter the

concerned bank has made a prayer before the trial Court under Section 497 of the BNSS for return of the seized articles through its authorized representatives. Learned trial Court by the impugned order dated 09.02.2026 was pleased to reject the said prayer on the ground that the seized packets of gold ornaments are subject matter of the alleged offence and crucial material evidence in the trial which has already been marked as exhibits in evidence and once it has been admitted in evidence and marked as exhibits its custody assumes evidentiary significance and forms part of the judicial records and premature release of such articles may adversely affect the evidentiary sanctity of the trial and may cause prejudice to the prosecution.

Having considered the facts and circumstances of the case it appears that the trial was completely erred in observing that premature release of such article would adversely affect the evidentiary sanctity of the trial. He did not consider the guideline laid down by the Apex Court in this context in **Sunderbhai Ambalal Desai -Vs. - State of Gujarat** reported in **(2002) 10 SCC 283** wherein paragraph 10 onwards it has been stated clearly that it is of no use to keep such articles in police custody for years till the trial is over.

In view of above the impugned order dated 09.02.2026 passed in S.C. Case no. 317 of 2025 is hereby set aside.

Learned trial Court is directed to re-hear the claimant's applications dated 31st of January, 2026 and to pass an order afresh following the guideline laid down in paragraph 10 onwards in

Sunderbhai Ambalal Desai (supra) case preferably within a period of 30 days from the date of communication of this order.

CRR 888 of 2026 thus stands disposed of.

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.

(Dr. Ajoy Kumar Mukherjee, J.)