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CRR 5459 of 2025

**Jasim Akhtar Ansari @ Jasim
Vs.
The State of West Bengal**

Mr. Pawan Kumar Gupta
Mr. Ashok Das
Mr. Santanu Sett
Ms. Sofia Nesar
Ms. Hasi Jana

... for the petitioner

The petitioner herein is aggrieved with the order dated 2.12.2025 passed by learned Chief Judicial Magistrate, Kolkata for not disposing his prayer for return of the vehicle filed by him on 13th November, 2025.

In the said application, the petitioner submitted before the court that the vehicle was seized by the police being registration no. WB11J1209 and the said vehicle is lying at police station compound in insecured condition and getting damaged day by day and therefore the petitioner wants to take custody of the said vehicle during pendency of the proceeding. He further submits that the said vehicle is under hypothecation and he is regularly paying equated monthly installments. He further submits that the seized vehicle is no way connected with the alleged offence.

Having heard learned counsel for the petitioner, it appears that by the order dated 2.12.2025, the court below has not made any specific observation about the said prayer made by the petitioner.

In such circumstances, the instant application CRR 5459 of 2025 is hereby disposed of with a direction upon the court below invoking this court's jurisdiction under Section 529 of BNSS to dispose of the petitioner's prayer dated 13.11.2025 for giving him interim custody of the seized vehicle in accordance with law and in the light of the guidelines laid down by the Apex Court in this context, preferably within a period of three weeks from the date of communication of the order.

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

(Dr. Ajoy Kumar Mukherjee, J.)