

Spl Case ACB No.13 of 2019
Filing No.1373 of 2019
CNR No.- WBCS01-001376-2019

Order No.20
Dated 27.09.2024

The accused on CB is present by filing hazira along with his Ld. Advocate.
Ld. P.P. is also present by filing hazira.

Today is fixed for order regarding return of all the seized articles which were shown or not shown in the charge sheet.

Record is taken up for order on the petition dated 20.06.2024 u/s 451 of Cr.P.C. for return the seized articles.

Perused the petition, report of the Holding Officer Shri Jyotirmoy Mondal of ACB PS and other materials on record.

In the instant petition it is alleged that the ACB police in order to harass and humiliate the accused and his wife, seized the personal belongings including bank documents, keys of the lockers, jewelleryes and other investment document although those articles have no relevance in the contexts of the allegations. Accordingly, the accused prayed for return the seized articles on condition to produce the same on call during trial if necessary. A list of the seized alamats is annexed to the petition.

A report was called for from the I.O. of this case regarding return of the seized articles and the Holding Officer Inspector Jyotirmoy Mondal of ACB PS submitted his report on 04.09.2024. In the report it is made clear that the alamats mentioned in the petition are relied upon in the instant case although these alamats were taken and considered during investigation of ACB PS Case No.15/2019. It is clarified that during investigation of the instant case the I.O. submitted a written complaint before the competent authority, ACB PS to lodge a DA Case (being ACB PS Case No.15/2019 dated 20.12.2019) where charge sheet was submitted against the accused and his wife on 02.02.2022 u/s 13(2) r/w 13(1)(b) of PC Act, 1988.

Record reveals that charge sheet was submitted against the accused Manik Sarkar in the present case on 09.09.2020 u/s 7 of the PC Act, 1988.

During the course of hearing, the Ld. P.P. submitted a copy of order dated 30.08.2024 passed in CRR 2978 of 2024 wherefrom it appears that further proceeding of Spl Case No.16/2019 arising out of ACB PS case No.15/2019 was stayed till 30.11.2024.

In his report dated 30.08.2024, the Holding Officer made it clear that the alamats mentioned in the petition are not relied upon in the present case. Although it is stated that the alamats mentioned in the petition were taken and considered during investigation of ACB PS Case No.15/2019, it is not mentioned whether those alamats were re-seized in connection with ACB PS Case No.15/2019.

In the circumstances, I find it appropriate to direct the Holding Officer to submit a further report clarifying whether the alamats mentioned in the petition, seized in connection with the instant case, were re-seized in connection with any other case.

Accordingly, fix **25.11.2024** for report from the I.O./Holding Officer and further order.

Let a copy of this order be sent to the I.O./Holding Officer for information and compliance.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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