

CNR No. WBDJ070000602022
JO Code WB00585

Sessions Case No. 01/2022

Order No. 10
Dated 21.06.2022

Both the accused persons namely Niraj Bhujel @ Narbahadur Bhujel & Khushram Bhujel @ Khush Narayan Bhujel are produced from J/C.
Ld. P.P. Mr. P. Pradhan and Ld. defence counsel Mr. Karan Sundas are present.
Today is fixed for evidence and hearing the petition regarding vehicle release.
No witness is present.
Fix **25.07.2022** for examination of CSW No. 1 and production of the accused person.
I.O submitted report regarding the release of the vehicle.
Today is fixed for hearing the petition praying for releasing the vehicle filed by the petitioner Nar Maya Bhujel.
The said petition is taken up for hearing in presence of both side.

Ld. counsel Mr. Karan Sundas for applicant Nar Maya Bhujel submits that the Registered owner of vehicle bearing Reg. No. WB73D/6226 has filed relevant documents to show her ownership of the vehicle for which she has submitted the photocopies of the documents in this case.

The Ld. counsel for the applicant has submitted that the police has seized the above said vehicle bearing Reg. No. WB73D/6226 by preparing a seizure list dated 18.10.2021. The said vehicle is lying with the police in the open and the condition of the vehicle is being deteriorated day by day and because of the onset of rainy season there is every probability of its being decayed/damaged.

On the other hand the Ld. Spl. P.P. Mr. P. Pradhan, submits that he has objection to release the vehicle though the I.O has raised no objection.

After hearing both the Ld. counsels, perusal of the case record, perusal of the documents as well as the report submitted by the I.O, it transpires that Nar Maya Bhujel is the registered owner of the vehicle bearing Reg. No. WB73D/6226 and it is also found that the vehicle was seized by the police under seizure list dated 18.10.2021 in connection with Kalimpong P.S. Case No. 230/2022 dated 02.10.2021 u/s 376D/363/365/328 of IPC. The vehicle bearing Reg. No. WB73D/6226 and its present market value is about Rs. 8,00,000/- (Rupees Eight Lakhs) approximately.

In view of the above facts and circumstances, this court is of the opinion that when the vehicle is not required for the purposes of further investigation then keeping it under the custody of investigating agency is not required.

Moreover according to the mandate of judgment of **Hon'ble Supreme Court of India in "Sundarbhai Ambalal Deshi Vs. State of Gujarat (date of decision 01.10.2002)"** and the mandate of **Hon'ble High Court of Delhi in "Manjit Singh Vs. State (date of decision 10.09.2014)"** it is clear that when the vehicle is not required for investigation purposes then it should be released to its registered owner with certain conditions and admittedly in this case, the vehicle is not required for any investigation purposes and as such I am inclined to allow the application of applicant Nar Maya Bhujel who is the owner of vehicle bearing Reg. No. WB73D/6226 for release of the above said vehicle and it is

ordered

that the vehicle bearing Reg. No. WB73D/6226 be released by the I.O. of this case to the applicant/owner Nar Maya Bhujel who is the registered owner of the vehicle bearing Reg. No. WB73D/6226 after executing an indemnity bond of Rs. 8,00,000/- (Rupees Eight Lakh) by applicant Nar Maya Bhujel, taking the photographs of the vehicle in question from all the relevant angles so that it remains identifiable and an endorsement be made on photographs by the applicant Nar Maya Bhujel and photographs be attested by the I.O. of this case and undertaking is also given by the

applicant/owner Nar Maya Bhujel that no third party interest or alienation of the vehicle through sale or in any other way will be done and neither the shape of vehicle nor its colour will be changed in any way and she will produce the said vehicle as and when the same is directed /required by this Court or investigating agency to be produced.

Accordingly the application dated 25.05.2022 for release of vehicle bearing Reg. No. WB73D/6226 is disposed off.

D&C by me

Sd/-

Additional Sessions Judge
Kalimpong

Sd/-

Additional Sessions Judge
Kalimpong