

ST No.-1(10)2022

(CNR WBEM-01002940-2022)

Order No. 25

Dated 24.09.25

Today is fixed for passing order in respect of a petition filed by accused dt. 08/11/2024 praying for return of seized Engine Van to him.

Hajira for prosecution is filed.

Hajira for accused person is also filed.

Record is taken up for passing order.

I have already heard ld. Lawyer for accused person who has submitted that his client is owner of the Engine Van and said Engine van was seized from his possession though he was not carrying anything therein and said Engine van is being damaged being kept in PS under open sky and report was earlier called for, from IO of this case and report was sent by one police officer who stated in the report that Engine van may be returned to his client and as such, said engine van may be returned to his client.

Ld. PP in charge has raised objection to the return of said Engine van to the accused and submitted that earlier one application was filed by one Shyamal Sing for return of the said Engine van and on the basis of said petition, report was called for, from Panskura PS and report was sent to Court where no objection was raised by another police officer to the return of the Engine van to the accused and based on said report Court did not return said Engine van to Shyamal Sing but fact of the matter is that though accused as per his version is owner of said engine van, he did not raise any objection to the return of said Engine van to Shyamal Sing and conduct of accused raises serious doubt as regards ownership of said engine van and not only the same, accused much after the rejection of prayer of Shyamal Sing has made prayer for return of said Engine van to him and as said Engine van was the mode of transport of sand, till conclusion of trial, said engine van may not be returned to anyone much less the accused person.

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On perusal of the record it appears that as per allegation, accused was transporting sand by the machine trolley which was seized from him under seizure list dt. 11/01/2022. However, from the record of GR-61/2022 corresponding to Panskura PS Case No. 27/2022 dt. 11/01/2022 which was started in view of the transportation of sands illegally by accused in said Engine van, it appears that on the basis of petition of Shyamal Sing, S/O of Lalmohan Sing for return of said engine van or trolley van to him, a report was called for, by Id. CJM, Purba Medinipur from IO of the case and IO submitted a report on 05/02/2022 vide R-916 dt. 05/02/2022 wherein he advocated for releasing the Engine van to Shyamal Sing being actual owner thereof, but said engine van was not released by Id. CJM, Purba Medinipur to Shyamal Sing. However, said person again filed a petition in this Court on 20/04/2023 praying for return of said engine van to him and on the basis of said petition again a report was called for, by this Court and report was submitted by ASI Gautam Kr. Payra of Panskura PS vide DR No. 6223/2023 dt. 01/06/2023 wherein he stated that said engine van may be returned to accused Asit Sing, but as petition was filed by Shyamal Sing, prayer for return as made by Shyamal Sing was rejected by this Court. But then again, what is interesting to note is that twice petitions were filed by Shyamal Sing for return of said engine van to him and IO in his report did not raise objection in the return of said engine van to him rather he specifically stated that he is the owner of said engine van, but accused who claims to have owned the engine van did not raise objection to the prayers of Shyamal Sing and more specifically, to the prayer which was made by said person in this Court. Therefore, as regards ownership of said engine van, doubt indeed persists. If report of IO is believed, then actual owner is Shyamal Singh whose prayer has already been rejected by this Court. If report of subsequent police officer is taken into consideration, then report of IO is to disbelieved and engine van is to be returned to

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accused; what, therefore, is apposite in the given circumstance is to call for a detailed report from OC, Panskura PS as to the above matter and based on said report, appropriate order on the claim of accused person would be passed by this Court.

*In view thereof, **OC, Panskura PS** is directed to send a detailed report as to whether engine van can be returned to accused or not positively by the next date fixed. While sending report, apart from holding proper enquiry, he is also to analyse the two reports sent to the Court by two police officers of his police station so that proper decision can be taken by the Court on the prayer of accused person without further ado.*

As proceeding is halted, same may be resumed again.

In view of the above, record is taken to the stage of evidence again.

Issue summons to CSW-2 and CSW-6 for their evidence on the next date fixed.

Alamats are to be produced on the date fixed.

Prosecution is to take proper steps for the above stated purposes at once.

Accused person has to turn up on the next date for evidence.

Next date is fixed on **05.01.2026** for report from OC, Panskura PS, appearance of accused person, evidence of CSW-2 and CSW-6 and further order.

Let a copy of this order along with copies of two reports dt. 01/06/2023 and 05/02/2022 be sent to OC, Panskura PS for his information and necessary action.

Typed by me

ASJ, FTC-I, Tamluk
Purba Medinipur,
JO-WB872

