

S.T 30(05) 2023
S.C 207/2022
CNR no.WBHG-01- 004745-2022

Order no. 14 dt. 17.02.2024

Today is fixed for further cross-examination of P.W-1. Out of 07 accused persons, 03 accused Babai Bala, Babu Pal and Prasenjit Bapari are produced from J/C and the rest 04 accused persons are not produced from J/C.

P.W-1/Rajat Singha could not turn up today on the ground as per one message communication. Prayer for further time sought for by the prosecution is granted.

Fix 23.02.2024 for further cross-examination of P.W-1.

Now, the matter regarding return of seized motorcycle is taken up for hearing.

Heard the learned Advocate for the petitioner Subhankar Dey (father of the accused Sekhar Dey) and the learned P.P in-charge.

Learned Advocate for the petitioner submits that despite several orders passed by this learned Court in respect of the seized motorcycle bearing no.W.B-16BE/0604 as per seizure list dated 20.08.2022, no any report has been submitted by the I.O concerned and I/C till date.

The petitioner Subhankar Dey is personally present before me with the learned Advocate on record. All the vehicle papers are filed before me today in original and in photocopy. After perusal of the originals, it is returned to the petitioner in the open court. The learned Advocate for the petitioner prays for passing necessary direction upon the I.O concerned and the I/C Chinsurah P.S to return the seized motorcycle, which is getting decayed under the open sky at the Thana premises.

Learned P.P in-charge present prayed for passing any necessary order for return of the seized motorcycle on the basis of the vehicle papers filed by the petitioner, if found satisfactory.

I have gone through the tax invoice, insurance policy paper, tax payment receipt, certificate of the registration and the cash memo of SMS Auto, Kotalia more, Hooghly. I am convinced from all the vehicle papers, which sufficiently reveals that this petitioner Subhankar Dey is the actual owner of the seized vehicle as per seizure list dated 20.08.2022.

This is not understood how come the vehicle is to be held responsible in the alleged crime. Fact remains that the marketable value of the motorcycle will get diminish day by day, if allowed to be kept at the P.S premises any

further. There is no appropriate reason and basis for not returning this vehicle to the incumbent petitioner Subhankar Dey. The I.O and I/C concerned should be aware of the directions of the Hon'ble Supreme Court in this regard by its several judgments. There is no denying the fact that the motorcycle shall face natural wear and tear.

Accordingly, I do hereby direct the I.O of the case Sumanta Nandi and the I/C Chinsurah P.S **to return** the seized motorcycle no.W.B-16BE/0604 on receipt of this order copy **after full and proper panchanama**.

The petitioner is directed to provide one set of photocopy of the document filed by firisti today to the I/C Chinsurah and the I.O concerned and thereafter, the seized motorcycle **must be handed over** to the incumbent Subhankar Dey.

By this order, no scope remains to verify the genuinity of the vehicle papers at the police end.

The matter, now stands disposed of in the above manner.

To date (23.02.24) for compliance report by the I.O and I/C Chinsurah.

Let a copy of this order be sent to the I/C Chinsurah P.S along with a copy of this order to the I.O concerned for information and compliance.

Dictated & corrected by me

Sd/-
Additional Sessions Judge,
1st Court. Chinsurah
J.O Code no.WB00753

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1st Court, Chinsurah.
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