

**SC 183/2024**

**Order No.4**

**Dtd. 25.04.2025**

Today is the date fixed for submission of the report by the IO and framing of charge.

All the accused on CB are present by filing hazira.

A separate petition has been filed for return of seized Motor Cycle and Mobile Phone.

A report has been received from SI Biswajit Dey of Hasimara PS.

Head the Ld. Advocate for the claimant/petitioner and Ld. PP in charge.

It is unfortunate to note here that SI Biswajit Dey even though sent the compliance report but it is soaked murky water partially. It is absolutely undesirable that SI Biswajit Dey with such callousness sent the report demeaning the dignity of the Court.

**Hence, let a copy of this order be transmitted to SI Biswajit Dey through the The Superintendent of Police, Alipurduar to note that no such incident be repeated in future.**

The claimant/petitioner by filing the petition pray for release of the seized Motor Cycle being No. WB70R-5906 along with two mobile phone manufacture by Samsung which was seized vide seizure list dated 16.08.2024 as being produced by Arif Ansari.

Upon perusal of the record so submitted by Biswajit Dey the IO of this case has no objection for the release of the seized items i.d mobile phones and a Motor Cycle.

**As as matter of fact and upon perusal of the case record it is apparent that the there is no such compliance of section 497 (2) / (5) of BNSS. Siilarly the IO of this case has totally undermined the provision of law as laid down u/s 105 of BNSS.**

Therefore, let the copy of this order be transmitted to the IO through **The Superintendent of Police, Alipurduar.**

Keeping in mind the provision of law as incorporated u/s 451 of Cr.PC [497 of BNSS] and also keeping in mind the sprit of law and the guideline of Hob'ble Court in the judgment reporting in **2002 AIR SC 638** in the case of **Sundarbhai Desai Vs. State of Gujrat**, the prayer for release of seized Motor Cycle being No WB70R-5906 and two Samsung Mobile phones in interim custody of the claimant/petitioner is considered and allowed, subjected to furnishing a bond of Rs. 1 lakh for the Motor Cycle and Rs. 20,000/- for two mobile phones. With the further condition that the claimant/petitioner shall not change the nature, colour and character of the Motor Cycle, nor he shall alienate the same to any other third party and shall produce the same as and when called for by the Court.

Accordingly, IO of this case is directed to release the Motor Cycle and the mobile phones seized vide seizure list dated 16.08.2024 upon verifying the documents and the identity of the claimant/petitioner in interim custody and shall take the photograph and the videography the proceeding and submit report to the Court.

AS per the submission Ld. PP in charge could not be framed today.

Fix 05.07.2025 for framing charge and report from the IO.

Sureties are directed to produce the accused on the date fixed.

*Dic. & corr. by me ;*

*Addl. District & Session Judge,  
F T C-II, Alipurduar*

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(F T C-II), Alipurduar.  
(WB01097)*

