

Sessions Case No. 216 of 2024

Order No. 15

Dated 28.01.2025

Today is fixed for further hearing the petition dated 09.03.2025 filed by the defacto complainant regarding getting return of seized ornaments and etc.

Ld. P.P and Ld. Lawyer for the defacto complainant is present.

The I.O of this case is present along with the report. Seen the report.

The petition dated 09.03.2025 is taken up for hearing.

The present petition is filed by the complainant seeking return of the stolen articles, namely gold ornaments, mobile phone and silver ornaments, which are now in the custody of the Investigating Officer in the above Sessions case.

The learned counsel for the petitioner and the learned Public Prosecutor were heard.

The records placed before the Court have been perused.

It is submitted that the articles in question belong to the complainant and were recovered during the course of investigation. The complainant seeks interim custody of the same on the ground that continued retention of the articles in police custody serves no useful purpose.

The learned Public Prosecutor submitted that the case is pending before this Court and the seized articles may be required during trial. However, it is not disputed that the articles are presently in the custody of the Investigating Officer.

The I.O of this case has also expressed his no objection regarding return of gold ornaments and silver ornaments and cash.

This Court is of the considered view that valuable articles such as gold ornaments and personal belongings should not be kept in police custody for an unduly long period. Proper safeguards can be imposed to protect the interest of the prosecution and to ensure production of the articles whenever required by the Court. Seen the T.I.Parade report of the golden chain weight about 20 gm.

The complainant has made out a prima facie case for grant of interim custody. No prejudice would be caused to the prosecution if the articles are returned subject to appropriate conditions.

Accordingly, the petition is allowed.

The Investigating Officer is directed to return the seized gold ornaments, mobile phone and silver ornaments to the complainant on execution of a bond of Rs. 4,00,000/- to the satisfaction of this Court.

Prior to release, a detailed inventory and photographs of the articles shall be prepared and filed before the Court.

The complainant shall produce the articles as and when directed and shall not alienate or alter the same till disposal of the Sessions case.

The petition stands disposed of.

To **09.03.2026** for E.R of WA in respect of accused Sahadat Ansary @ Ansari and Sabrati Ansary @ Ansari and appearance of the rest accused person.

Let a copy of this order be sent to the I.O of this case for information and taking necessary action.

(Dictated & Corrected by me)

Sessions Judge, Purulia

Sessions Judge, Purulia.
(J.O. Code- WB00587)

