

Sessions Trial No. 01 (12)2023
Sessions Case No. 11 (07) of 2023
Ultadanga PS case No. 55 dated 14.04.2023
(CIS-118/2023)

Order no. 5 dated 26.02.2024.

The accused Amit Chatterjee is produced from JC.

In terms of order No. 4 dated 03.02.2024 report is received from the IO.

The IO specifically mentioned that neither the accused nor the complainant could provide any documents to show their respective prima facie ownership of the immovable properties kept inside the said premises.

IO is present before this court.

The IO submits that the incident took place in the premises which is now kept under law and key and the same was rented accommodation of the accused.

Like previous day, today, the IO also submits that the articles kept in the said premises are not the alams of this case.

I have heard the Ld. Advocate for the house owner, the Ld. Advocate for the complainant as well as Ld. Advocate for the accused.

From the submissions of the Ld. Advocate for the complainant and the Ld. Advocate for the accused, it appears that the articles which are kept inside the said premises belonged to the accused and the complainant.

It is fact that neither the accused nor the complainant could place any list of articles along with the proof of its ownership before this court. They also did not provide any such document to the IO.

Upon hearing both sides, it seems to me that for the legal battle between the accused and the complainant, the house owner is suffering and she is not in a position to use the said rented portion of the premises.

In absence of sufficient documents, I am not inclined to dispose of the petition under section 451 Cr.PC either in favour of the complainant or in favour of the accused and accordingly, the said application for the complainant and the accused are dismissed.

At the same time, I am of the view that the house owner Smt. Lina Basu must get some equitable relief and as the said premises is not required by the IO, the padlock can be opened and the said premises can be handed over to the house owner Smt. Lina Basu only after shifting of the articles kept inside the said premises.

The IO is directed to make an inventory of all the articles kept inside the said premises which belong to the accused and the deceased and the same be done in presence of the Ld. Advocate for the accused, the complainant and his Ld. Advocate and the house owner Lina Basu and her Ld. Advocate.

After making the inventory, the IO will keep the articles safely in a suitable place as

per his convenience.

IO is directed to take photographs (both still and video) about the process of inventory and to place the same before this court.

The IO will procure the signatures of the Ld. Advocate for the accused, the complainant and his Ld. Advocate and the house owner Lina Basu and her Ld. Advocate in the said inventory list and will produce it before this court in original by keeping a copy of the same with him.

The IO is also directed to serve the copy of the said inventory list to the Ld. Advocates for the parties as mentioned above.

The said process of inventory must be completed by **21.03.2024** after serving of notice to all concerned as mentioned above and after getting the said inventory list this court will pass appropriate order about the prayer of the house owner Smt. Lina Basu.

Today Ld. Advocate for the accused submits that he is not in a position to cross examine the witness today as her mother is admitted at hospital for angiography and on the prayer of the Ld. Advocate the case is adjourned today.

Fix **21.03.2024** for production of the accused, report of IO and evidence.

Inform IO.

D/C by me

ASJ, 1st Court, Sealdah

(Anirban Das)/WB0691
Addl. Sessions Judge, 1st Court,
Sealdah, 24-Pgs.(S).