

Spl. Elec.case no.442 of 2024
CNR No.WBUD01-004372-2024
JO CODE No.WB01460

Order No.05

03.01.2025

Case record is put up on the prayer of petitioner Dipankar Acharjee claiming to be the registered owner of the vehicle having registration No. WB 73E/6478.

The Ld. Advocate on behalf of the petitioner claiming to be the registered owner of the seized vehicle files a petition to return the said seized vehicle having registration no.WB 73E/6478.

A report regarding return of the seized vehicle is submitted by the IO ASI Asit Chakraborty of Islampur PS.

Seen the report of IO. There is no objection regarding return of the vehicle from the I.O.

The report further reveals that during investigation he seized the vehicle bearing no. WB 73E/6478 (Dumper) on 08.12.2024 for damaging one electric pole including one shop named Bina Enterprise on 08.12.2024 at around 2.00 am and subsequently he also seized on 20.12.2024 and 22.12.2024 all relevant papers of the said vehicle together with driving license of the driver Md. Kurban Ali, S/o- Md. Isahak of Village Goalbari, Dharmagachh, Bholamari under Chopra PS. Report also reveals that in investigation the IO gathered the information that registered owner of the said vehicle is the present petitioner namely Dipankar Acharjee, S/o- Pradip Acharjee of Rabindrapally (Dakhin) Lahugaon, PS-Phansidewa, Dist- Darjeeling. In the report IO has specifically stated that he had no objection to return the seized vehicle bearing no.WB 73E/6478 including connected papers to it's registered owner being the petitioner herein.

Heard Ld. Advocate for the petitioner and seen the petition of the petitioner regarding return of the vehicle.

Perused the case record.

After hearing both sides and on perusal of the case record, it appears that considering the prayer of the present petitioner claiming to be the registered owner of the said seized vehicle being a dumper vide order dated 18.12.2024, IO was directed to submit a report about the seized vehicle when the present petitioner filed a petition with relevant documents with a prayer to get the said seized vehicle returned supported by affidavit.

Considering the aforesaid facts and circumstances together with the materials appearing on record and on the report and considering the prayer of the present petitioner in the light of the decision of the Hon'ble Supreme Court reported in (2002) 10 SCC 383, I am inclined to allow the prayer of the petitioner regarding return of the seized vehicle bearing no. WB 73E/6478 to it's registered owner being the petitioner herein conditionally as interim custody on his furnishing Bank guarantee.

Accordingly, let the seized vehicle being truck bearing registration no. WB 73E/6478 together with its connected papers be returned to it's registered owner qua the present petitioner on furnishing a Bank guarantee of Rs.5,00,000/- of any Nationalized Bank and on condition that he shall produce the same before this court as and when he be so directed during pending of this case at his own cost and on condition not to alienate, sell, mortgage, or not to change the nature, character and colour of the vehicle during pendency of the instant case without further order in this regard.

However, prayer made on behalf of the petitioner for fixing a short date is considered and allowed.

To date (27.01.2025) for appearance, compliance and further order.

D/C by me

Special Judge(E),
Uttar Dinajpur

Special Judge(E)
Uttar Dinajpur