

March 25, 2025

1 ARDR

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**CRR 141 of 2025**

Rafikul Islam & anr.  
Vs.  
The State of West Bengal & anr.

Adv. Arnab Saha,

... for the petitioners.

Adv. Abhimanya Banerjee,  
Adv. Priyanka Yadav,

...for the op. no.2.

Adv. Ujjwal Luksom,

...for the State.

Since the 3<sup>rd</sup> opposite party is represented, the petitioners are directed to serve copy of the application along with annexure thereto upon the learned counsel appearing for the 3<sup>rd</sup> opposite party in course of this day.

The petitioners are further directed to serve copy of the application along with annexure thereto upon the opposite party nos. 1 and 2 and file affidavit of service on the adjourned date.

The petitioners seek quashing of proceeding in connection with Kharibari Police Station case no. 60 of 2025 dated 4<sup>th</sup> March, 2025 pending before the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling.

Learned counsel for the petitioners submits that the petitioners are traders in livestock and possess all the relevant sanctions/documents for the same. Eighteen cattle belonging to the petitioners along with the truck carrying the same were intercepted by the police on 4<sup>th</sup> March, 2025 despite the driver of

the truck producing all the relevant documents for transport of the said cattle from Bihar to Assam through West Bengal. The driver of the vehicle was released by the learned Magistrate on perusal of the documents. The truck and the cattle are still in custody of the police and the petitioners have to incur expense of Rs.9,000/- per day for the same.

It appears that on an application filed by the petitioners before the learned Additional Chief Judicial Magistrate, Siliguri for return of the seized vehicle and the cattle, a report was called for by the learned Additional Chief Judicial Magistrate from the Investigating officer.

The Investigating officer is directed to submit the said report before the learned Magistrate on the next date of hearing fixed by the learned Magistrate. The learned Magistrate shall consider the return of the seized vehicle and cattle upon consideration of the report on the said date, upon bond being furnished by the petitioner to that effect.

The 3<sup>rd</sup> opposite party who is the owner of the truck concedes to the submission made by the petitioners and submits that he has no allegation of theft of the truck against the petitioners and an authorisation letter was issued by him in favour of the 2<sup>nd</sup> petitioner for transport of the cattle.

It appears from the material on record that the petitioners have been able to make out an arguable case.

Further proceedings in connection with Kharibari Police Station case no. 60 of 2025 dated 4<sup>th</sup> March, 2025 be stayed till 8<sup>th</sup> April, 2025.

This order shall not preclude the learned Magistrate from dealing with the application for return of the seized truck and cattle.

The matter be placed before the Circuit Bench, Jalpaiguri.

**(Suvra Ghosh, J.)**