

CID West Bengal



Criminal Intelligence Gazette

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KOLKATA,

MAY 2003.

BS 1409 – 1410.

PART - I

Special Notices

Nil

PART - II

Look Out Notices.

(A) Persons wanted.

- a) Shri Deep Charan Kaipang s/o Manjoisia Kaipang of vill North Twidu, PO & PS Twidu Bazar, South Tripura, Pin-799101 is wanted in Shillong Sadar PS Case No 390(4)92 u/s 302 IPC.

Interpol file No M/CID/Cell-VI/31/2003/49 dt 21/1/03.

- b) Accused Sheo Prakash Jhunjunwala (57) s/o Liladhar Jhunjunwala c/o Chhaya Banerjee, Pravati Bhawan, Sahebjada Bazar, PS Lalbag, Cuttak has absconded since November 2000 after cheating a sum of Rs. 39 lacks from various depositors.

Interpol file No 3140/CID(INV) dt 27/1/03 UNC.

c) Ref : Golabari PS c/no 193 dt 8/7/99 u/s 403/406/420/ 120B/379 IPC.

Following persons took some rooms on rent at Pilkhana area under Golabari PS, District Howrah and obtained Telephone connections in fictitious names and fled away without paying any bill to the Telephone Department total amounting to Rs.2,83,47,919/-. They are absconding since registration of the case.

- 1) Shahnawaz Ali s/o Md Kader Ali of 62 Pilkhana 1st Lane, Howrah.
- 2) Mustufa Jadwet s/o Yakub Jadwet of 62 Pilkhana 1st Lane, Howrah.
- 3) Khaleel Khan s/o Nadeem Khan of 66 Pilkhana 1st Lane, Howrah.



(c1)



(c2)



(c3)

- 4) Jamal Ahmed s/o Samsu Ahmed of 66 Pilkhana 2nd Lane, Howrah.
- 5) Nayer Iqbal s/o Iqbal Imtiyaz of 62 Pilkhana 1st Lane, Howrah.
- 6) Anowar Khan s/o Nadeem Khan of 66 Pilkhana 2nd Lane, Howrah.



(c4)

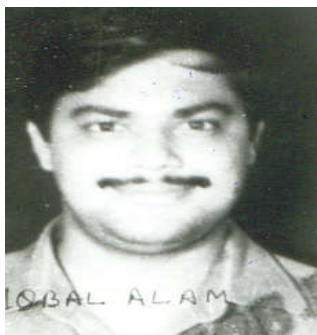


(c5)



(c6)

- 7) Iqbal Alam s/o Akram of 12/2 Pilkhana 2nd Lane, Howrah.
- 8) Afzal Jadwet s/o Yakub Jadwet of 62 Pilkhana 1st Lane, Howrah.
- 9) Nawaid Akhtar s/o Md Akhtar of 12/2 Pilkhana 2nd Lane, Howrah.



(c7)



(c8)



(c9)

- 10) Aslam Khan s/o Jubai Khan of 46 Pilkhana 1st Lane, Howrah.

d) Ref : Liluah PS c/no 89 dt 8/7/99 u/s 406/419/420/120B IPC.
(Similar type of Telephone Scam case)

- 1) Sankar Deo s/o Ajit Kumar Deo of Benaras Road, Kona, Parbatipur, PS-Liluah, Howrah.

e) i) Ref : Golabari PS c/no 193 dt 8/7/93 u/s 403/406/420/ 120B/379 IPC.
ii) Ref : Liluah PS c/no 89 dt 8/7/99 u/s 406/419/420/120B IPC.

- 1) Kamal Ahmed (fictitious name) s/o Samsu Ahmed PS-Golabari, Howrah

ALIAS

Goutam Deo (fictitious name) s/o Ajit Kr Deo of Benaras Road, Kona, Parbatipur, PS-Liluah, Howrah.



(c10)



(d1)



(e1)

If any clue to the identity of the above persons is obtained, the Special Supdt. of Police, CID, West Bengal should be informed.

(B) Persons arrested who may be wanted elsewhere. :

1. Pute @ Sanjay Sardar s/o Lob Sardar of Satberia Sundarpur, Sundarpur, PS Gopalnagar, Dist 24-Pgs(N), d/a 6/3/03 in c/w Dhantala PS c/no 32 dt 6/2/03 u/s 396/376/354 IPC & 25/27 A Act.
2. Nur Ali Gazi (38) s/o Lt Pear Ali Gazi of Chandpur PS Baduria Dist North 24-Pgs, d/a 28/4/03 in c/w Baduria PS c/no 66 dt 28/4/03 u/s 25/27 A Act. D/A – 28/04/03
3. Apurba Mohan Sanyal s/o Lt Prafulla Mohan Sanyal, Social Welfare Officer of SD Hospital, Ranaghat, Nadia, d/a 16/4/03 in c/w Ranaghat PS c/no 80 dt 16/3/03 u/s 302/201/34 IPC.
4. Haripada Sarkar s/o Lt Gopal of Ramnagar PS Hanskhali, d/a 10/3/03 in c/w Hanskhali PS c/no 59 dt 3/5/03 u/s 342/ 325/384/392/506/34 IPC.
5. Rana Duley (25) s/o Bibhuti of Kuldiha PS Sarenga (Bankura)
6. Swarup Duley (24) s/o Nalini of do
7. Chandan Duley (25) s/o Kalachand of do

SI No 5 to 7 have been arrested on 8/5/03 in c/w Goaltore PS c/no 23 dt 29/4/03 u/s 395/397/376(F) IPC & 25/27 A Act.

8. Raman Munda (29) s/o M Munda of Premnagar Line Debpara TG, Banarhat.
9. Ajay Bhaumick s/o Sudama of Hyderpara .

SI No 8 & 9 have been arrested on 10/5/03 in c/w Nagrakata PS c/no 18 dt 31/3/01 u/s 399/397 IPC.

10. Ripan Biswas (18) s/o Rebati of Vill-Singole PS Gaighata dist North 24-Pgs d/a 17/5/03 in c/w Gaighata PS c/no 69 dt 5/4/03 u/s 392 IPC.

(C) Property found in the possession of arrested persons : Nil

(D)(i) Property lost, stolen or seized on suspicion

1. On 7/5/03 one Mobile Phone No 9831254121 Model No 5110 of Rahul Banerjee was stolen away from Golf Green Bus Stand. This refers to Jadavpur PS c/no 142 dt 7/5/03 u/s 379 IPC.
2. On 7/4/03 some unknown miscreants stole away one Computer Set from Visyabharati Institution. This refers to Bolpore PS c/no 57 dt 7/4/03 u/s 379 IPC.
3. On 4/4/03 Rampur O/P, (PS Tapan) police seized one Idol of Goddess Durga (Black Stone) Hight 40", breath 20" from village Harsura PS Tapan. This refers to Rampur O/P GDE No 86 dt 4/4/03.
4. On 29/3/03 Hirapur PS Police seized one Idol of Lord Ganesh made of brass, weighing 2 kgs and 150 gms as unclaimed. On enquiry it was gathered that one Khamiruddin got the Idol on 21/3/03 from a pond while he along with others were catching fish. This refers to

- Hirapur PS GDE No 926 dt 30/3/03.
5. On 2/4/03 Harirampur PS recovered one Idol of Ganesh (Narayan) made of black stone and one Shib Linga. This refers to Harirampur PS GDE No 116 dt 4/4/03.
 6. On 14/4/03 night Itahar PS police seized 2 Idols, one of Lord Krishna, height 8", weighing 1 Kg & 50 gms and another Idol of Radha, height 6", weighing 600 gms, made of *Asto Dhatu* which were detected by the villagers during excavation of a small pond of the village Bachapukur. This refers to Itahar PS GDE No 549 dt 14/4/03.
 7. On 24/4/03 night Howrah GRP DD (CID, WB) staff seized 170 pcs of Wingo Cassette Recorders, 97 pcs Universal Lamp (Made in China), 45 pcs white big folding torch lights, 1200 pcs of pencil batteries and one walking crawling baby doll all foreign made and worth Rs 75,000/- from DN Jamalpur – Howrah Express, Sleeper Coach No -3 as unclaimed. This refers to Howrah GRPS GD No 1870 dt 24/4/03.

(D)(ii) Arms and ammunition - loss, theft and recovery.

1. On 6-7/4/03 one Kashinath Mishra of Keshabpur, PS Simron, Bihar, Private Security Guard of BPL Central Workshop, Cokeoven was sleeping keeping his own DBBL Gun No 30501 by the side of his bed. He woke up and found that his gun was stolen away by some unknown persons. This refers Cokeoven PS c/no 35 dt 7/4/03 u/s 379 IPC.
2. On 13/5/03 while one Madhusudan Tewari of Metala, PS Raghunathpur, Staff of LPG Gas Agency, Beniasole was proceeding towards Adra State Bank of India to deposit cash Rs.96,192/- along with Security Guard with his DBBL Gun No 5021. On way near Sarag Bandh, Adra 3 unknown miscreants intercepted them and snatched the DBBL Gun from Security Guard and fled away. This refers to Kashipur PS c/no 30 dt 13/5/03 u/s 394 IPC.
3. On 13/2/03 in pursuance of a secret information Naihati DD arrested 1) Ram Baran Mandal @ Naresh Chowdhury s/o Lt Banu Mandal @ Rajender of Ramgine, Goyra Dahar, PS Multasil, Dist Munger, Behar and 2 others from Bijpur Bus Stand and recovered firearms and 12 rds of ammunition including one 9mm pistol. This refers to Bijpur PS c/no 14 dt 13/2/03 u/s 25/27/35 A Act.

(E) Unidentified Corpses.

1. Marginally noted photograph of an unidentified dead body of a male (30/35 years) which was found in a lonely place at Begampur Purbapara, PS Basirhat with multiple injuries on his neck, belly and others parts of the body. This refers to Basirhat PS c/no 58 dt 3/3/03 u/s 302/34 IPC.



2. Marginally noted photograph of the dead body of an unidentified male (40 years) which was found lying in the road side ditch on State Highway under PS Goalpokhar with marks of



throttling on the neck. The body appeared to be of a Muslim person. This refers to Goalpokhar PS case no 22 dt 11/3/03 u/s 302/201 IPC.

3. Marginally noted photograph of the dead body of an unknown male (50 years) which was found lying at Bharat Colony under PS Laketown. This refers to Laketown PS c/no 21 dt 23/01/02 u/s 302/34 IPC.



4. Marginally noted photograph of the dead body of an unidentified male (35 years) was found lying outside the Railway Track at KM 42/08-49/09 in between Delua R/s and Sangrampur R/s, Dist 24-Pgs(S). This refers to Diamond Harbour GRPS c/no 1 dt 28/2/03 u/s 302 IPC and UD c/no 3 dt 28/2/03.



5. Marginally noted photograph belonged to an unknown male (25/26 years) which was found floating on the Arti Canal by the side of Durgapur Express Way. This refers to Dadpur PS c/no 10 dt 6/2/03 u/s 302 IPC.



If any clue to the identity of these deceased be obtained, the concerned SP of the District or the Special Supdt. of Police, CID, West Bengal may please be informed.

(F) Persons missing:

1. Mithu Rai (14) s/o Shri Bijali Prasad of 6 no, Amritlal Nath lane, PS Bally Dist. Howrah has been missing since 29.03.03 from his residence. MPB file no. 49-2003/4/M(24).



2. Mantosh Shah (15) s/o Shri Basanta Shah of Biralapore PO Birlapore, PSNodakhali Dist. South 24 Pgs. has been missing since 02.04.03 from his residence. MPB file no 49-2003/I (M) (55).



3. Amit Sen(30) s/o Bhanu Sen of 98 East Kamalpore Ps Dum Dum Dist. N/24 Pgs. has been missing since 28.09.94 from his residence. MPB file no. 49-203/1A/M (62).



4. Asish Ray @ Biltu (13) s/o Shri Biswajit Ray of 431 Belgharia Nandan Nagar , Ps Belgharia Dist. N/24 Pgs. has been missing since 06.03.03 from his residence. MPB file no 49-2003/IA (M) (63).



5. Barid Baran Chakraborty (14) s/o Shri Bhudhar Chakraborty of Deulpore, Panchanantala Malik para Ps Panchala Dist. Howrah. has been missing since 20.03.03 from his residence. MPB file no 49-2003/4 (M) (14).



6. Alo Biswas @ Chotao (6) d/o Debdas Biswas of Village Chachai, PO Sajra, PS Memari, District Burdwan has been missing since 20.03.03 from Bally Halt Station. MPB file no. 49-2003/6/F(5).



7. Bijali Sarkar (15) d/o Shri Mantu Sarkar of Village Padmapukur, PO Khaiyamura, PS Joynagar, Dist. S/24 Pgs. has been missing since 15.01.03 from his residence. MPB file no 49-2003/1/F (14).



8. Birju Prasad Ram (12) s/o Shri Mahadeb Prasad Ram of Swadesh Pally, Khalpar Po Jagacha Ps. Jagacha Dist-Howrah. has been missing since 29.03.03 from his residence. MPB file no 49-2003/4 (M) (19).



If whereabouts of these missing persons are collected, prompt action should be taken to effect recovery with an intimation to Special Superintendent of Police CID, West Bengal, Bhabani Bhaban, Alipore Calcutta -700 027 (Tel No 2479 – 1901).

PART - III

Peculiar Modus Operandi.

1. On 26/27-04-03 night between 23.00 to 00.30 hrs. 7/8 armed dacoits intercepted a mini truck no. WB-33/24 B at Pathardoba on Chandrakona Goaltore Road by placing wooden logs. It was carrying 60/65 passengers of Umrpota. They were returning after attending a marriage ceremony. The dacoits looted cash, gold and silver ornaments from them and while escaping they dragged away 5 girls of the party to a nearby jungle and allegedly outraged their modesty and also raped four of them. The dacoits also looted cash, gold and silver ornaments from the passengers of another bus no. WGB 4850 coming from Goaltore and also from two bikers. The victim girls were rescued and medically examined at Keakola BPHC and District Hospital.. This refers to Goaltore PS case no. 25 dt 29.04.03 u/s 395/397/354/376 (F) IPC & 25/27 Arms Act.
2. Sri Jibitesh Sarkar of Suryanagar PS. Siliguri, a CPM party leader, complained that on 3.5.03 he received a telephone call from a lady who disclosed herself as daughter of Shri Buddhadeb Bhattacharya, C.M West Bengal asking him to extend help to her relative namely Sangita, a niece of the C.M. of West Bengal, who was staying in Rakeshree Lodge. Thereafter same lady became Sangita and approached him and took Rs. 57.000/- from him. Later he came to know that the said Sangita

is not the niece of the C.M. of West Bengal & rather cheated him. This refers to Siliguri PS c/no 214 dt. 11.05.03 u/s 419/420 IPC.

3. On 09.05.03 the same lady later came to Raiganj and enjoyed the hospitality of local CPM party office, govt. guest house etc posing as the relative of C.M., WB in the similar fashion. This refers to Raiganj PS c/no 103 dt. 10.05.03 u/s 419/420/34 IPC.

She along with her paramour were arrested.

PART – IV

(1) Miscellaneous Notices.

Order of the Hon'ble Supreme Court regarding disposal of property.

AIR 2003 SUPREME COURT 638

(From: Gujarat)

M.B. SHAH AND D.M.

DHARMADHIKARI. JJ.

Special Leave Petns (Crl) Nos 2745 with 2755 of 2002, D/ 1-10-2002.
Sunderbhai Ambalal Desai, Petitioner.
State of Gujarat, Respondent.

WITH

C.M. Mudaliar, Petitioner v. State of Gujarat, Respondent.

Crl. R.A. No 241 of 2002 D/ 20-6-2002

(Guj.)

LT/LT/SI00519/2002/RK/CSL/28615/2002

Criminal P.C. (2 of 1974), S. 451-Disposal of property pending trial-Powers of Court – Powers under S 451 should be exercised expeditiously and judiciously – Court to pass appropriate orders immediately and articles are not to be kept for a long time at police station, in any case, for not more than 15 days to one month – Procedure for disposal of seized valuable articles and currency notes, vehicles, seized liquor and Narcotic drugs suggested.

The powers under S. 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely :-

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation.
2. Court or the police would not be required to keep the article in safe custody.
3. If the proper panchanama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If

- necessary, evidence could also be recorded describing the nature of the property in detail; and
4. The jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

The procedure for disposal of seized articles and currency notes, vehicles, seized liquor and Narcotics drugs suggested. Further Magistrate directed to pass appropriate orders immediately and articles are not to be kept for a long time at the police station, in any case, for not more than fifteen days to one month. The said object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly.

Cases Referred: Chronological Paras.

Smt. Basavva Kom Dyamangouda Patil Vs. State of Mysore, AIR 1977 SC 1749 : 1977 Cri LJ 1141 (1977) 4 SCC 358

Ujwal Kumar Jha, Aslam Ahmed, Ranjan Kumar Jha, Nakul Dewan, Ejaz Maqbool, Advocates for Petitioner : S K Dholakia, Sr. Advocate and Ms. Hemantika Wahi Advocate with him, for Respondent.

ORDER:

1. In these two petitions filed by the Police Inspectors serving the Gujarat State, it has been contended that prosecuting agency has no right to ask for the purpose of collecting evidences and the application moved for remand of petitioners (accused) was unjustified because anticipatory bail was granted to them.
2. It is the prosecution version, as per the FIR lodged on 7/2/2002 by the Assistant Commissioner of Police, 'D' Division, Surat that petitioners and other police personnel are involved in offences punishable under Sections 429, 420, 465, 468, 477A and 114 IPC. It is alleged that when they were working at various police stations, they have committed offences during the period from 20/2/1992 to 23/11/2001 by replacement of mudammal articles including golden ornaments by other spurious articles, misappropriation of the amount which was kept at the police station, unauthorized auction of the property which was seized and kept in the police custody pending trial and tampering with the records of police station. The High Court by its judgment and order dated 20/6/2002 rejected the application against the order passed by the trial Court granting remand of the petitioner. Hence, these special leave petitions.
3. At the time of the hearing of these matters, learned Counsel for the parties submitted that various articles are kept at the police station for a long period by not adhering to the procedure prescribed under Cr.PC, which creates difficulties for keeping them in safe custody. Finally the sufferers are – either the State exchequer or the citizens whose articles are kept in such custody. It is submitted that speedier procedure is required to be evolved either by the Court or under the rules for disposal of mudammal articles which are kept at various police stations as most of the police stations are flooded with seized articles. It is therefore, submitted that directions be given so that burden of the Court as well as at the police station can, to some extent,

be reduced and that there may not be any scope for misappropriation or of replacement of valuable articles by spurious articles.

4. Learned Counsel further referred to the relevant Sections 451 and 457 of Code of Criminal Procedure, which read thus:

451. Order for custody and disposal of property pending trial in certain cases.-When any property is produced before any Criminal Court during any Inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of..

Explanation – For the purposes of this section “property” includes:

- (a) property of any kind or document which is produced before the Court or which is in its custody.
- (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

457. Procedure by police upon seizure of property.- (1) Whenever the seizure of property by any Police Officer is reported to a Magistrate under the provisions of this Code and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as the thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation, specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

5. Section 451 clearly empowers the Court to pass appropriate orders with regard to such property, such as -
- 1) for the proper custody pending conclusion of the inquiry or trial.
 - 2) to order it to be sold or otherwise disposed of, after recording such evidence as it thinks necessary.
 - 3) If the property is subject to speedy and natural decay, to dispose of the same.
6. It is submitted that despite wide powers, proper orders are not passed by the Courts. It is also pointed out that in the State of Gujarat there is Gujarat Police Manual for disposal and custody of such articles. As per the Manual also, various circulars are issued for maintenance of proper registers for keeping the muddamal articles in safe custody.
7. In our view, the powers under section 451 Cr.PC should be exercised expeditiously and judiciously. It would serve various purposes namely:-
- 1) Owner of the article would not suffer because of its remaining unused or by its misappropriation:
 - 2) Court or the police would not be required to keep the article in safe custody:

- 3) If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail and.
 - 4) This jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.
8. The question of proper custody of the seized article is raised in number of matters. In Smt. Basavva Kom Dyamangouda Patil Vs State of Mysore and another (1977)4 SCC 358, this Court dealt with a case where the seized articles were not available for being returned to the complainant. In that case, the recovered ornaments were kept in a trunk in the police station and later it was found missing, the question was with regard to payment of those articles. In that context, the Court observed as under:-
- “4. The object and scheme of the various provisions of the Code appear to be that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the Court or of the police for anytime longer than what is absolutely necessary. As the seizure of the property by the police amounts to a clear entrustment of the property to a Government servant, the idea is that the property should be restored to the original owner after the necessity to retain it ceases. It is manifest that there may be two stages when the property may be returned to the owner. In the first place it may be returned during any enquiry or trial. This may particularly be necessary where the property concerned is sought to speedy or natural decay. There may be other compelling reasons also which may justify the disposal of the property to the owner or otherwise in the interest of justice. The High Court and the Sessions Judge proceeded on the footing that one of the essential requirements of the Code is that the articles concerned must be produced before the Court or should be in its custody. The object of the Code seems, to be that any property which is in the control of the Court either directly or indirectly should be disposed of by the Court and a just and proper order should be passed by the Court regarding its disposal. In a criminal case, the police always acts under the direct control of the Court and has to take orders from it at every stage of an inquiry or trial. In this broad sense, therefore, the Court exercises an overall control on the actions of the police officers in every case where it has taken cognizance.”
9. The Court further observed that where the property is stolen, lost or destroyed and there is no prima facie, defence made out that the State or its officers had taken due care and caution to protect the property, the Magistrate may in an appropriate case, where the ends of Justice so required, order payment of the value of the property.
 10. To avoid such a situation in our view, powers under section 451 Cr.PC should be exercised promptly and at the earliest. **Valuable articles and currency notes.**
 11. With regard to valuable articles, such is golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under section 451 Cr.PC at the earliest.
 12. For this purpose, if material on records indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:-
 - 1) Preparing detailed proper panchnama of such articles.
 - 2) Taking photographs of such articles and a bond that such articles would be produced if required at the time of trial and

3) After taking proper security

13. For this purpose, the Court may follow the procedure of recording such evidence, as it thinks necessary, as provided under section 451 Cr.PC. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The Court should see that photographs of such articles are attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Still however, it would be the function of the Court under Section 451 Cr.PC to impose any other appropriate condition.
14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimants, then the Court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the Court may direct that such articles be handed over back to the investigating officer for further investigation and identification. However, in no set of circumstances, the Investigating officer should keep such articles in custody for a longer period for the purpose of investigation and identification. For currency notes, similar procedure can be followed **vehicles.**
15. Learned Senior Counsel Mr Dholakia, appearing for the State of Gujrat further submitted that at present in the police station premises, number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to handover such vehicles to its owner or to the person from whom the said vehicles are seized by taking appropriate bond and the guarantee for the return of the said vehicles if required by the Court at any point of time.
16. However, the learned Counsel appearing for the petitioners submitted that this question of handing over vehicles to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the concerned persons.
17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.
18. In case where the vehicle is not claimed by the accused, owner or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.
19. For articles such as seized liquor also, prompt action should be taken in disposing it of after preparing necessary panchnama. If sample is required to be taken, sample may kept properly after sending it to the chemical analyzer, if required. But in no case, large

quantity of liquor should be stored at the police station. No purpose is served by such storing.

20. Similarly for the Narcotic drugs also, for its identification, procedure under section 451 Cr.PC should be followed of recording evidence and disposal. Its identity could be on the basis of evidence recorded by the Magistrate. Samples also should be sent immediately to the Chemical Analyzer so that subsequently a contention may not be raised that the article which was seized was not the same.
21. However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under section 451 Cr.PC are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly.

Ordered accordingly.

(2) Motor Cars and Motor Cycles (Stolen).

Sl No	Name of the articles with makers name	Numbers	Special identification mark if any	PS c/no & date with section of law under which the case was instituted.
1	Bajaj Motor Cycle(Kawasaki)	WB12L/2401	Silver Colour	Nabadwip PS c/no 18 dt 10/5/03 u/s 380 IPC
2	Bajaj Motor Cycle	WB20A/1152	Black	Katwali PS c/no 144 dt 10/5/03 u/s 461/379 IPC
3	Motor Cycle (Suzuki)	WB-6042		Arambag PS c/no 96 dt 10/5/03 u/s 379 IPC
4	Hero Honda (Splender) M/Cycle	WB34G0155		Kharagpur(T) PS c/no 71 dt 11/5/03 u/s 379 IPC
5	Taxi	WB04A2347		Belghoria PS c/no 82 dt 12/5/03 u/s 379 IPC
6	Motor Cycle (Hero Honda)	WB16B3616		Airport PS c/no 64 dt 12/5/03 u/s 379 IPC
7	Taxi	WB04/5525	Black & Yellow	Bidhannagar(N) PS c/no 70 dt 13/5/03 u/s 379 IPC
8	Motor Cycle	WB72A/5373	White Colour	Jaynagar PS c/no 28 dt 14/5/03 u/s 379 IPC
9	Hero Honda Motor Cycle	WBOIR/4329	White Colour	Purba Jadavpur PS c/no 49 dt 14/5/03 u/s 379 IPC.
10	Tata Sumo	WB02H/3767	White Colour	Bidhannagar(N) PS c/no 71 dt 15/5/03 u/s 379 IPC.
11	Bajaj Motor Cycle	WB01N/7683	Red Colour	Rajharhat PS c/no 143 dt 15/5/03 u/s 379 IPC.
12	Hero Honda Motor Cycle	WB42D/7296	Red Colour	Burdwan PS c/no 149 dt 15/5/03 u/s 379 IPC.

13	Hero Honda (Splender) M/Cycle	WB16K0688		Singoor PS c/no 68 dt 15/5/03 u/s 379 IPC
14	Motor Cycle	WB74F0682		Siliguri PS c/no 218 dt 15/5/03 u/s 379 IPC

(3) Crime Statistics

Comparative Figure of dacoity cases (Range-wise) from January'03 to March'03
(Excluding Kolkata)

January - 2003

Range	January'03	January'02	December'02
Jalpaiguri	2	1	6
Maldah	2	1	0
Murshidabad	3	5	5
Presidency	5	2	9
Burdwan	2	2	4
Midnapur	4	4	4
Railway	3	2	0
TOTAL	21	17	28

February - 2003

Range	February'03	February'02	January'03
Jalpaiguri	2	1	2
Maldah	0	0	2
Murshidabad	2	1	3
Presidency	6	1	5
Burdwan	1	1	2
Midnapur	1	3	4
Railway	1	0	3
TOTAL	13	7	21

March - 2003

Range	March'03	Marchy'02	February'03
Jalpaiguri	1	3	2
Maldah	0	4	0
Murshidabad	0	2	2
Presidency	5	2	6
Burdwan	1	0	1
Midnapur	1	2	1
Railway	0	1	1
TOTAL	8	14	13

(4) Interesting detections.

1. On 16/0/03, one unknown cheat took away the “Probe” and “IBC” card of one Ultra Sonography Machine of “Sevayan” diagnostic centre, Jessore Rd, Dum Dum, after introducing himself as a technical representative of Phillips Co. He took those vital instruments on the plea of upgrading the machine. These instruments were worth Rs. 200000/- (approx). This refers to Dum Dum PS Case No 57 dated 16/02/03 u/s 420 IPC. During investigation, the “Probe” and the “IBC” card were recovered and the principal accused Palash Bhattacharjee along with 5 others were arrested. Accused Palash Bhattacharjee Das was also identified in T.I. Parade. The case was totally detected under the supervision of Zonal DS Shri A. K. Banerjee.

R. K. Mohanty
Addl. Director General of Police
CID, West Bengal