

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Review Petition (Crl.) No. 156/10 in
Petition(s) for Special Leave to Appeal (Crl) No(s).9294/2009

SABITA ROY & ORS. Petitioner(s)

VERSUS

STATE OF WEST BENGAL Respondent(s)
(With appln(s) for c/delay in review petition)

Date: 10/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

BY CIRCULATION

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The review petition is dismissed.

(Ganga Thakur) (Juginder Kaur)
PS to Registrar Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

REVIEW PETITION (CRL.) NO.156 OF 2010

IN

SPECIAL LEAVE PETITION (CRL.) NO. 9294 OF 2009

SABITA ROY & ORS. Petitioner(s)

VERSUS

STATE OF WEST BENGAL Respondent(s)

O R D E R

Delay condoned.

In connection with Tamluk P.S. Case No. 56, dated 28th

April, 1994, against the Directors and other persons of
Overland Finance and Investment Limited, 14 Fixed Deposits

Certificates were seized from the residence of the petitioners.

The petitioners thereupon applied to the Sub-Divisional Magistrate, Tamluk, for return of the seized documents. The

learned Magistrate directed return of the seized articles with a condition to furnish a bond of Rs.50,00,000/- (Rupees Fifty Lakhs only) which was furnished on the same day. The State of West Bengal filed a Criminal Revisional Application before the Additional Sessions Judge, 6th Court, Midnapore, who allowed the same.

Aggrieved thereby, the petitioners moved an application in the High Court under Article 227 of the Constitution, which was dismissed by the learned Single Judge of the High Court

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with liberty to the petitioners to file a fresh application against the order of the Additional Sessions Judge, 6th Court, Midnapur. Instead of filing such an application before the High Court, the petitioners filed another application before the Chief Judicial Magistrate, Purba Midnapur, for return of the seized articles. The said application was rejected on the ground that the documents seized are the Alamats of the case.

The Revisional Application before the Sessions Judge, Purba Midnapore, against the said order, was also dismissed. Thereafter, on 10.11.2006, a second application was filed before the High Court for the same relief, which was rejected on the ground that the court had no jurisdiction to entertain the second Revisional Application.

Aggrieved by the said order the petitioners filed Special Leave Petition (Crl.) No. 9294/09, which was dismissed on 15th December, 2009.

The present Review Petition has been filed in respect of the said order dated 15th December, 2009, by which the Special Leave Petition was dismissed.

Although, we see no reason to entertain the Review

Petition, a ground has been taken indicating that by virtue of the order of dismissal, the liberty which had been granted by the High Court on 10th October, 2002, to move a fresh application together with an application under Section 5 of the Limitation Act, had been compromised.

In view of such ground, we make it clear that by our order of 15th December, 2009, we had only upheld the view of the High Court that a second Revision would not lie in view of the

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bar imposed under Section 397(3) Cr.P.C., and it does not touch the order passed by the High Court in the earlier proceedings culminating in the order of 10th October, 2002.

The Review Petition is, accordingly, dismissed with the aforesaid observation.

.....J
(ALTAMAS KABIR)

New Delhi,
March 10, 2010.

.....J
(CYRIAC JOSEPH)