

21.09.2020.

Item No. 53

pk

C.R.R. No. 1035 of 2020

With

CRAN 01 of 2020

(via video conference)

In the matter of: **Suresh Agarwal @ Suresh Kumar Agarwal**
...Petitioner

Mr. Milon Mukherjee, Sr. Advocate,
Mr. Arnab Chatterjee,
Mr. Siladitya Banerjee ...For the petitioner

Mr. Saibal Bapuli,
Mr. Arijit Ganguly.
Mr. Sanjib Kumar DasFor the State

Leave is granted to the petitioner to correct the cause title.

Considering the urgency pleaded by the petitioner in CRAN 01 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CRAN 01 of 2020 is disposed of.

The instant revisional application has been filed for seeking interference of the order dated 11.03.2020 passed by the learned Additional Chief Metropolitan Magistrate, Calcutta in connection with D2-33/2020 corresponding to Posta Police Station Case No. 38 dated 12.03.2020 under Sections 120/269/273 of the Indian Penal Code.

The learned court below refused to return all the seized articles, which are consumable items. The analysis report submitted to the court below was not satisfactory. The

Expert Public Analyst (Food & Water), West Bengal Public Health Laboratory found that the seized goods of Ghee was substandard in nature.

The petitioner before this Court complains that the substandard goods may not be returned to him but those found to be of good quality after retesting should have been returned to him by the Magistrate.

Having heard the counsel for the Government of West Bengal and having seen the report of the Public Analyst (Food & Water), West Bengal Public Health Laboratory, this Court directs return all the seized articles except under Exhibits “C” and “G”, namely, Nove Ghee and Sudama Premium Ghee to the petitioner expeditiously. The return of the goods after retesting shall be made against of bond to be furnished by the petitioner to the satisfaction of the learned Additional Chief Metropolitan Magistrate, Calcutta.

With the aforesaid directions, the instant revisional application is disposed of.

The report of the Public Analyst (Food & Water), West Bengal Public Health Laboratory submitted by the Posta Police Station dated 05.03.2020 be kept with the record.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)