

15.12.2020

Item No.58

Ct.No.42

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1690 of 2020

**M/s. Sur Enterprises
versus
The State of West Bengal & Ors.**

Mr. Sagar Bandopadhyay,
Mr. Arijit Chakrabarti,
Mr. Prabir Bera,
Mr. Nilotpall Chowdhury ... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta ... For the State.

Learned advocates for the petitioner and the State are present in Court.

The present revisional application has been preferred challenging the order dated 24.10.2020 and the order dated 17.11.2020 both passed by the learned Additional Chief Judicial Magistrate, Basirhat in connection with G.R. Case No. 4487 of 2020 (Basirhat P.S. Case No. 1150/2020 dated 23.10.2020).

In course of the proceedings, the learned advocates appearing for the parties referred to the order dated 10.12.2020 passed by the Division Bench of this Court in MAT 756 of 2020 and MAT 757 of 2020 wherein the subject-matter related to the same police station case.

In view of the order passed in MAT 756 of 2020 and MAT 757 of 2020, the order dated 24.10.2020 and all subsequent orders relating to the goods seized are required to be interfered with. As it has been made clear by the Division

Bench of this Court that the provisions of Section 6A and Section 6B of the Essential Commodities Act, 1955 are to be adhered to by the authorities, the said orders of the learned Magistrate do not have any relevance. Accordingly, the orders dated 24.10.2020 and 17.11.2020 dealing with the confiscation proceedings are without any authority and as such, the same are set aside.

In view of the aforesaid, the authorities are directed to initiate fresh proceedings under Section 6A of the Essential Commodities Act after compliance of the provision of Section 6B of the said Act.

As the petitioner's prayer was pending before this Court and an assurance was obtained from the learned counsel appearing for the State for not dealing with the goods so seized during the pendency of the revisional application, it is directed that if any order has been passed during the pendency of the proceedings by the Collector, the same should be reviewed and renewed.

The petitioner viz., M/s. Sur Enterprises should be first served with a notice under Section 6B of the Essential Commodities Act, 1955, if not already served till date and thereafter the authorities will proceed in accordance with law.

The whole of the proceedings should be complied with and completed within a period of four weeks from date.

With the aforesaid observations, CRR 1690 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)