

13.12.2021

Court No.39
Item No.05
(Disposed of)

Akd

CRA 381 of 2001

Calcutta Municipal Corporation
Vs.
Annapurna Oil Mill (P) Ltd.

None appears for the appellant / Calcutta Municipal Corporation. None appears for the respondent / Annapurna Oil Mill (P) Ltd.

It appears that despite service of several Administrative Notices upon the parties, none of the parties has turned up before this Court.

I feel that the parties have no interest to proceed with the instant appeal.

The appellant/Calcutta Municipal Corporation brought the instant appeal being aggrieved and dissatisfied with the judgment and order of acquittal passed by the learned Municipal Magistrate, Second Court, Calcutta in Case No. 735 C of 1996.

The prosecution case may briefly be stated as follows:-

One S. K. Sadhukhan, the Director of the respondent Company under the name and style "Oil Mill (P) Ltd" failed to deposit a sum of Rs. 2,000/- as Health Licence Fee under Section 435 of the Calcutta Municipal Corporation Act, 1980 till 31st March, 1996 for the year 1995-1996. As the respondent Company was running the Farm with electricity, the Farm needed health licence under Section 435 of the said Act. By not depositing the licence fees, the respondent Company committed offence punishable under Section 435 of the Act.

I have minutely read the judgment passed by the learned Trial Court. I have also perused the evidence on record.

As I find, the learned Trial Judge recorded the findings on proper appreciation of the evidence on record.

In my view the judgment does not suffer from any illegality or irregularity. Therefore, the judgment does not call for any interference by this Court.

Accordingly, the appeal is dismissed on merits.

The judgment and order of acquittal passed by the learned Municipal Magistrate, Second Court, Calcutta in Case No. 735 C of 1996 is hereby confirmed.

Let the Lower Court Records be sent down immediately along with a copy of this judgment to the learned Court below.

(Rabindranath Samanta, J.)