

24.09.2021
item No.5
n.b.
ct. no. 34

CRR 1470 of 2020

(via video conference)

Md. Mahfooz Arif
-Vs-
The State of West Bengal & Anr.

Mr. Mr. Gurudas Maitra,
Mr. Amarta Ghosh,
Mrs. Riutuparna De Ghosh,
Mr. Siddhartha Paul
..... for the petitioner.

Mr. Mr. Rana Mukherje,
Ms. Sukanya Bhattacharyya,
Mr. Mirza Firoj Ahmed Begg
....for the State

Dr. Chitrakshya Sarkar on behalf of the FSL is present.

The Deputy Commissioner of Police exercising his jurisdiction over the NSCBI Airport Police Station, is also present in court.

The report submitted by the Deputy Commissioner of Police reflects that the expert has already examined the sample and submitted his opinion. Subsequently, sanction was also obtained from the Commissioner of Police and charge-sheet has been filed before the jurisdictional court. The presence of the two officers that is the expert from the FSL and the Deputy Commissioner of Police, which were earlier directed are dispensed with.

Mr. S.G. Mukherjee, Learned Public Prosecutor and Mr. Rana Mukherjee, Learned Additional Public Prosecutor appearing

in this matter for the State has submitted that there was a communication gap on the ground level and as such the sample was not accepted by the FSL. Be that as it may henceforth it is directed that in case there are good grounds by the FSL for not accepting any sample an endorsement with reason thereof must be expressed in writing otherwise. A wrong message to both the police authorities and as well as the society. No further order need be passed at this stage.

The report of the FSL be kept on record.

The learned advocate for the petitioner submits that the petitioner was a licence holder which had expired and further application for renewal was pending before the District Judge. As such the petitioner cannot be implicated under Section 25(1)(a) of the Arms Act. To that effect, learned advocate relies upon the Judgment of the Supreme Court. The present stage is to be appreciated and the documents which have been furnished to this Court as also to be appreciated. An application for quashing and the foundation facts created by the petitioner cannot be phostate copies of the documents which have been placed before this Court. The prosecution has very recently submitted the charge-sheet before the jurisdictional court. The copies on which the prosecution intends to rely to prove his case under Section 207 of the Act. The foundation facts so created are to be brought before the Court for consideration where the pleas which has been taken by the petitioner is justified or not. Be that as it may, the petitioner has approached this Court at the premature stage as no interference is called for. However, the petitioner will be at liberty

to agitate the points canvassed in the revisional application at the stage of consideration of charge.

With the aforesaid observations, CRR 1470 of 2020 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

The report of the Deputy Commissioner of Police, Bidhannagar Police Commissionerate be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)