

24.03.2021
Ct. 7
D/L 6
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WPA 9307 of 2020
(Via Video Conference)

Saraf Trexim Limited & Anr.
-Vs-
State of West Bengal & Ors.

Mr. Shiv Shankar Banerjee,
Mr. Santanu Chatterjee,

... for the petitioners

Md. T. M. Siddiqui,
Mr. D. Ghosh,

... for the State

The petitioners have prayed for quashing of the F.I.R. in connection with Basirhat Police Station Case No. 1150 of 2020 dated October 23, 2020 under Sections 379/411/413/414/120B of the Indian Penal Code as the same does not disclose commission of any offence.

It has been alleged in the F.I.R. that the goods originally meant for Public Distribution System has been diverted for export to Bangladesh.

Mr. Siddiqui, learned advocate appearing for the State relies upon an unreported judgement of a Division Bench of this Court in the case of *M/s. Promising Exports Limited & Anr. Vs. The State of West Bengal & Ors.* (MAT 756 of 2020), wherein in an identical issue, the Hon'ble Division Bench was pleased to hold that the appellants therein failed to substantiate that the F.I.R.

does not disclose violation of the order passed under Section 3 of the Essential Commodities Act.

After hearing the learned advocates for the parties and after perusing the materials on record, this Court is of the view that the petitioners have failed to satisfy the Court that the F.I.R. does not disclose any offence as argued by Mr. Banerjee, learned advocate for the petitioner.

The Hon'ble Division Bench after taking into consideration the grave allegations of similar nature directed the State to proceed with the investigation and take it to its logical conclusion. Thus, this Court is of the view that there is no merit in the submission of Mr. Banerjee.

In view thereof, WPA 9307 is dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(**Hiranmay Bhattacharyya, J.**)