

27.04. 2022
item No.17
n.b.
ct. no. 34

CRR 452 of 2020

Mohit Lal Ghosh
Vs.
The State of West Bengal

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna,
Mr. Rahul Ganguly
.....for the petitioner.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Bibaswan Bhattacharya
.....for the State

The present revisional application has been preferred challenging the proceedings relating to Serampore Police Station Case No. 415 of 2019 dated 19.9.2019 under Sections 379/411/413 of the Indian Penal Code.

The case was initiated on the basis of a report of a letter addressed by one Mr. Altaf Hossain Hazari, sub Inspector of Police, attached to Serampore Police Station to the Inspector in Charge Serampore Police Station and the very purpose of initiation of the case reflects that natural resources under the Mines and Minerals Act were exhausted by the petitioner and/or his associates. A case was initiated under Sections 379/411/413 of the Indian Penal Code and Section 21 of the Mines & Minerals Act. The Investigating Officer on conclusion of investigation submitted charge sheet no.504/2019 dated 29.11.2019 under Sections 379/411/413 of the Indian Penal Code. The said charge sheet was

filed after obtaining report from the expert and the expert report reflects that the collected or seized materials happens to be weathered Soil. Consequently, the same do not fall within the definition of Mines and Minerals as defined under the Mines and Minerals Act. There are no materials to suggest in the case diary regarding the ownership of the seized materials as it was from an abandoned place.

Having regard to the manner in which the investigation has been conducted and the materials collected in support of the same, I am of the opinion, that further continuance of the proceedings pursuant to the opinion of the expert/laboratory analysis is unwarranted. Thus, all proceedings arising out of Serampore Police Station case no. 415/2019 dated 19.9.2020 including the charge sheet filed therein is hereby quashed.

Accordingly, CRR 452 of 2020 is allowed.

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

Interim order, if any, is made absolute.

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

(Tirthankar Ghosh, J.)