

Court No. 33
Item 43
SK
29.06.2022

CRR 250 of 2016
(Old CRAN 184 of 2016)

In the matter of:- Sarbjit Singh Johal & Ors...petitioners.
-Vs-
State of West Bengal & Ors.

Mr. B.K.Roy
Mr. Sanjib Kr. Dan
...for the State.

None appears on behalf of the petitioner.

The present revisional application has been filed by the petitioner for quashing of the proceedings arising out of Bhowanipore P.S. E. B. Case No. 22 dated 13.1.2016.

The brief fact of the case is that the petitioners are the Directors of Company, namely "M/s. Jogvick Manufacturing & Trading Pvt. Ltd". which manufactures "India Made Foreign Liquor" (IMFL) in the State of West Bengal. Upon investigation, it was found that the dealer company has willfully concealed the sale of such IMFL in its returns during the Financial Year 2012-2013, 2014-2015 which led to direct evasion of tax amount to Rs. 18.51 crores during the said periods. On such basis Bhowanipore E.B. Case No. 22 dated 13.1.2016 was initiated against the petitioners. Being aggrieved by and dissatisfied with by such proceedings, the petitioners have preferred the present revisional application.

Mr. Bidyut Kr. Roy, learned advocate appearing on behalf of the State submits status report. Let it be kept with the record. Learned advocate for the State submits that prima facie case has been established against the petitioner and as

such the present revisional application is liable to be dismissed.

It is found the status report that after conclusion of investigation, charge-sheet has been submitted against both the petitioners under Sections 88(1), 88(4), 88(6), 88(7) of the West Bengal Sales Tax Act, 1994 read with Sections 120B, 403, 420, 468, 471 of the IPC vide C.S. No. 17 of 2020 dated 29.2.2020. The status report further reveals that the case has been transferred to Judicial Magistrate, 3rd Court at Alipore for appearance and further proceedings. In view of such primary materials, I am of the opinion that the proceeding before the trial court does not call for any interference.

However, it is made clear that the observations made herein above shall not have bearing on the rights and contentions of the petitioners before the trial court.

The revisional application is thus, dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities

(Bivas Pattanayak, J.)