

16.02. 2022
item No.39
n.b.
ct. no. 34

(via video conference)
CRR 746 of 2020

M/s Jay Shree Tea & Industries Ltd. & Anr.
Vs.
State of West Bengal & Anr.

Ms. Sutapa Sanyal,
Mr. Debrup Bhattacharjee,
Mr. Pradeep Kumar Tulsyan
.....for the Petitioners

Supplementary affidavit filed today be kept with the record.

Ms. Sanyal, learned advocate appearing for the petitioners submits that there was observation made by the learned Appellate Court while passing its Judgment dated August 1, 2018 in Criminal Appeal No. 37 of 2014.

Learned advocate for the petitioner draws the attention of the Court to inner page 4 of the Judgment of the Appellate Court and submits that in respect of petitioner no.1 namely, M/s Jay Shree Tea and Industries Ltd. reference has been made by the learned Appellate Court as manufacturer which is in-correct. To that effect learned advocate draws the attention of the Court to the evidence of the Food Safety Inspector Officer of KMC Mr. Pradip Kumar Chakraborty whose deposition referred to Jay Shree Tea Industries as packager, as petitioner no.1 was involved in packaging the packets.

It has been submitted by the learned advocate appearing for the petitioner no.1, petitioner was never the manufacturer but was packager and the observation made by the learned Appellate Court is against the evidence available on records.

I find that there is sufficient force in the submission made by the learned advocate for the petitioner as the observation in the Appellate Court judgment at page 4 regarding petitioner no.1. is contrary to the evidence of PW 2 which has referred the petitioner no.1 as the packager and not as a manufacturer. Accordingly in the Judgment and order dated 1.8.2018 the word "Manufacturer" used in the last paragraph at inner page 4 should be read as "Packager".

The prayer in the revisional application was restricted to such corrections as the same was refused by the learned Appellate Court. I am of the opinion that in view of Section 362 of the Code of Criminal Procedure the learned Appellate Court was entitled to make such alterations which do not touch the core of the finding of the Judgment arrived at by the Appellate Court.

Accordingly, CRR 746 of 2020 is disposed of.

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

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

(Tirthankar Ghosh, J.)