

CRR 349 of 2015

In the matter of:- **Arun Poddar @ Arun Kr. Poddar**
..... Petitioner.

Mrs. Debjani Sahu...for the State.

None appears on behalf of the petitioner.

Mrs. Debjani Sahu, learned advocate appears on behalf of the State is requested to appear in this case on behalf of the opposite party, State of West Bengal. The concerned department is requested to regularize her appointment.

This revisional application has been filed by the petitioner under Section 482 of the Code of Criminal Procedure for quashing of the proceeding of B.G.R.Case No. 580 of 2014 arising out of Rabindrangar Police Station Case No. 52 dated 6.2.2014 under Section 17A of the West Bengal Inland Fisheries Act, 1984 pending before the Court of the learned Additional Chief Judicial Magistrate at Alipore, South 24-Parganas.

The brief fact of the case is that in response to mass petition of the residents of Alampur near Kalyan Tarun Tirtha School, an enquiry was conducted by Gautam Saha, Sub-Inspector of Police and it was found that a pond (bearing Dag No. 863, J.L.No. 05, Touzi No. 128, Mouza Alampur, Maheshtala Municipality, Ward No. 10 measuring about 5 bigha is divided into some parts by bamboo piling and the water body was filled up with rubbish by petitioner and

others. On such basis, FIR was registered being Rabindranagar Police Station Case No. 52 of 2014 under Section 17A of the West Bengal Inland Fisheries Act, 1984. Upon completion of investigation, the police submitted charge-sheet against the petitioner and others under Section 17A of the West Bengal Inland Fisheries Act, 1984. Being aggrieved by and dissatisfied with the said proceedings, the petitioner has prayed for the present revisional application.

Mrs. Debjani Sahu, learned advocate appears on behalf of the State submits that during the course of investigation, prima facie, materials have been collected and charge-sheet has been submitted against the petitioner & others accordingly, the present application is liable to be dismissed.

It appears that upon completion of investigation and on the basis of prima facie materials charge-sheet has been submitted against the petitioner and four others under Section 17A of the West Bengal Inland Fisheries Act, 1984. Thus, the proceeding before the trial court does not call for interference.

The present revisional application is thus, dismissed.

However, it is made clear that above observation is made for the sake of the disposal of the application and shall not have bearing on the rights and contentions of the petitioner before the trial court.

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.)