

12-08-2022
Subha
Item no.06
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1304 of 2000

Md. Nazir Hossain Mollick
-versus-
The State of West Bengal.

Mr. Pratip C. Chatterjee
....for the petitioner.

Mr. Anwar Hossain
Ms. Sreeparna Das
....for the State.

Report so submitted by the learned advocate appearing for the State be kept with the record.

The report reflects that the statement of the concerned Government Official has already been recorded.

The Complaint Case No. 302 of 1998 was initiated under Section 3 of the Child Labour (P & R) Act, 1986 and West Bengal Child Labour Rules, 1995 which was pending before the learned Chief Judicial Magistrate, Birbhum, Suri.

The petitioner approached this court for quashing of the said proceedings. On an appreciation of the allegations made in the petition of complaint, I find that the case was initiated for non-payment of fine with regard to violation of the provisions of the Act.

In fact, the Government Memorandum dated 25th April, 1997 directs the petitioner to pay a sum of Rs.20,000/-. More than 24 years have passed since the institution of the case no efforts were there on

behalf of the State. In the meantime, the petitioner has deposited a sum of Rs.20,000/- with the appropriate Authority and submitted an affidavit before this court. As submitted, the petitioner is a senior citizen of an advanced age. Considering the totality of the circumstances, I am of the opinion that further continuance of the proceedings are unwarranted because of the various factors including the proceedings pending for the last 24 years and the amount of fine being deposited by the petitioner calls for a lenient approach.

Accordingly, all further proceedings of Complaint Case No. 302 of 1998 pending before the learned Chief Judicial Magistrate, Birbhum at Suri be quashed.

As such, the revisional application being CRR 1304 of 2000 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

The findings recorded above are restricted to the facts of the present case and will not operate as a precedent in any other matters.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

