

28.09.2022

Item No.14
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2465 of 2021

**Parasmal Patwari
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Suvadip Bhattacharjee,
Mr. Balaram Patra ... For the Petitioner.

Mr. S. S. Imam,
Mr. Arabinda Manna ... For the State.

Mr. Shiv Chandra Prasad
... For the P.F. Authorities/Opposite Party No.2.

Photostat copies of the report dated 27.09.2022 submitted by Regional Provident Fund Commissioner-II, Regional Office, Howrah and report dated 28.09.2022 submitted by Inspector-in-Charge, Domjur Police Station, Howrah City Police be kept on record.

The said reports reflect that as per direction passed by this Court on 21.09.2022, the petitioner has deposited a sum of Rs.50,000/- in the office of the Regional Provident Fund Authorities, Howrah.

The genesis of this case relates to non-payment of provident fund dues for the period from December 2008 to October 2009 which is a sum of Rs.1,77,380/-. Non-payment of the said amount was detected on 27.11.2009. the principal amount being Rs.1,57,000/- (approx.) was paid by the

present petitioner by 30.11.2009 and the interest of Rs.29,996/- was paid pursuant to the order dated 02.06.2010 passed by the Assistant Provident Fund Commissioner, SRO, Howrah. So far as the legal dues and interest are concerned, the same were paid. However, the present case arising out of Domjur Police Station Case No. 453 of 2009 dated 27.11.2009 is pending for more than 12 years and till date no witness has been examined.

Learned advocates appearing for the State and the Provident Fund Authorities have opposed the prayer for quashing and have prayed that they would adduce evidence in the court below and take steps so that trial can be taken to its logical conclusion within a reasonable period of time.

Having regard to the nature of the case and the fact that a sum of Rs.50,000/- has been deposited with the Regional Provident Fund Authorities, Howrah in connection with the said criminal case, I am of the opinion that further continuance of Special Case No. 3 of 2017 arising out of Domjur Police Station Case No. 453 of 2009 dated 27.11.2009 presently pending before the learned Additional Sessions Judge, 1st Court, Howrah would be unwarranted in the changed circumstances and as such, is liable to be quashed.

The amount of Rs.50,000/- so deposited be distributed proportionately to the employees of M/s. Arham Dying and Bleaching Private Limited. The same would be done by the Regional Provident Fund Commissioner, Howrah by

exercising his discretion in accordance with laws relating to the Provident Fund.

With the aforesaid observations, the revisional application being CRR 2465 of 2021 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)