

CRR 3203 of 2009
CRAN 2 of 2010

In the matter of : Arun Poddar

Mr. Ayan Bhattacharyya
Mr. M. Mukherjee
Ms. Ritu Das ... for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat ... for the State

Seeking quashment of a proceeding of G.R. Case No. 1638 of 2006 under Section 11J of the West Bengal Fire Services Act, 1950 pending before the learned 3rd Metropolitan Magistrate, Calcutta corresponding to Bowbazar P.S. Case No. 268 dated 30.7.2006, the petitioner has filed this application under Section 482 of the Code of Criminal Procedure.

Briefly stated that on 29.6.2006 at about 19.20 hours a devastating fire broke out at Poddar Court, 18 Rabindra Sarani, Kolkata -1. Lalbazar Fire Station rushed there to drowse the fire and it was detected that owner of the concerned building did not comply with the statutory obligation as laid down under Sections 11(C) and 11(J) of the Fire Act. Fire safety measure was utterly ignored. Fire protection system was not at all maintained as a result the building became vulnerable to fire. On the basis of such information Bowbazar P.S. Case No. 268 dated 30.7.2006 was registered. Police took up investigation and submitted charge-sheet against the accused petitioner before this Court.

From the attending facts of the case as it appears that charge sheet has been filed, I do not find any reason to interfere with the proceeding at this stage. However, liberty is given to the petitioner to agitate all points raised here, before the learned Trial Court at the time of consideration of charge.

With the aforesaid observation, the criminal revision along with application, is disposed of.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)