

24.11.2022
Item No. 25
BR

CRR 3389 of 2009
CRAN 1 of 2010

In the matter of :Md Haider Ali

Mr. Anowar Hossain,
Ms. Manisha Sharma ... for the State

None is found present on behalf of the petitioner. The matter is pending since, I proposed to dispose of this application on merit based on materials available with the record.

Challenge in this revisional application is to the order dated 1st July, 2009 passed by learned CJM, Hooghly whereby learned trial Court was pleased to take cognizance upon the charge sheet being filed under Section 11C, 11J and 12 of the West Bengal Fire Services Act .

Briefly stated on 19th April, 2009 Mogra P.S. received an information from Mr. S.Ghose, Officer-in-Charge of F-8 Bansberia Station , West Bengal Fire and Emergency Service stating, inter alia that on 19th April, 2009 the Bansberia Fire Service attended a fire that broke out at the open space near the house of Md. Haider Ali, Bansberia where huge quantity of

waste scrap , polythin papers and sheets were kept violating the provisions of Section 11C/11J/12 of the West Bengal Fire Service Act, 1950, Md. Haider could not produce any fire license in respect of such search. Police having found commission of offence cognizable in nature registered a case being Mogra P.S. Case No. 60 of 2009 took up the investigation which culminated into submission of charge sheet against the accused person. Having found prima facie case being made out was pleased to take cognizance on 1st July, 2009 and the accused person has challenged that very order in this application under Section 482 of the Code of Criminal Procedure . Mr. Anwar Hossain , learned counsel representing the State submits that the trial in respect of the case is going on before the learned Judicial Magistrate, 2nd Court, Chinsurah vide GR case No. 2858 of 2014 . In support of his submission Mr. Hossain submitted a report of S.I. N. Mondal , Officer-in-Charge of Mogra P.S., District Hooghly. Since trial has commenced , I do not find any merit in this application for revision. At this stage there is no reason to invoke the inherent jurisdiction to interfere with the order impugned.

This criminal revision is , thus , dismissed, however, without costs. Application is also disposed of.

Let a copy of the lower Court record be sent to the learned trial Court for information and necessary action. Applications are also disposed of.

All parties are to act on the server copy of this order duly downloaded.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Siddhartha Roy Chowdhury, J.)