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April, 19,  
2022  
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C.R.R. No.3448 of 2017

In Re: An application under Section 401 read with Sections 482 and 397  
of the Code of Criminal Procedure, 1973;

Raja Chandra Garg  
Versus  
State of West Bengal & Anr.

Mr. Milon Mukherjee,  
Mr. Sachetan Ghosh,  
Mr. Rahul Ganguly.  
...for the petitioner.

Mr. Ranabir Ray Chowdhury,  
Ms. Debjani Sahu,  
Mr. Mainak Gupta.  
...for the State.

Report submitted by the Deputy Superintendent of Police  
DEB, Baruipur Police District, be kept with the record.

I find that, on conclusion of investigation of Sonarpur  
Police Station Case No.537/11 dated July 24, 2011, charge-sheet  
was submitted under Section 18 of the East Kolkata Wetlands  
(Conservation and Management) Act, 2006 (hereinafter referred to  
as the said 'Act'). The said case is pending before the learned  
Judicial Magistrate, Baruipur, South 24 Parganas.

Mr. Milon Mukherjee, learned senior advocate appearing  
for the petitioner challenges the order dated 12.01.2017 wherein the  
learned court was pleased to frame charge under Section 18 of the  
said Act.

I have perused the charge-sheet along with  
accompanying documents available in the case diary and I find that

the charge-sheet was submitted only on the basis of the statement of some of the witnesses under Section 161 of the Code of Criminal Procedure and the column relating to documents in the formal part of Section 173 of Criminal Procedure Code was blank.

Presumably no documents were collected by the investigating agency while submitting the charge-sheet relating to the nature of the land which is the subject matter of the case. The learned Judicial Magistrate accepting the charge-sheet as a gospel truth framed charge under Section 18 of the said Act which is without any merit.

In view of the fact that no documents relating to the nature of the land were in possession of the prosecution or were collected in course of investigation of the case by the investigating agency, the order dated 12.01.2017 passed by the learned Judicial Magistrate, Baruipur, South 24 Parganas is hereby quashed. However, the order of cognizance taken by the learned ACJM, Baruipur remains and the investigation which is presently being carried out would continue. The police authorities would freshly come to conclusion whether the case has been made out and file their report under Section 173 of Criminal Procedure Code on conclusion of investigation.

With the aforesaid observations, CRR 3448 of 2017 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The Inspector-in-Charge, Sonarpur Police Station is

present. His further appearance before this Court is dispensed with.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Tirthankar Ghosh, J.)**