

D/L48
August 3,
2022
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C.R.R. 4353 of 2007

In Re: An application under Section 482 of Code of Criminal Procedure,
1973;

Jamir Sk.
Versus
The State of West Bengal

Mr. Sandip Chakraborty,
Mr. Debapratim Guha,
Mr. Rajiv Lochan Chakraborty,
Ms. Anchita Sarkar.
...for the petitioner.

Mr. Arijit Ganguly,
Ms. Debjani Sahu.
...for the State.

The revisional application was preferred challenging the judgment and order dated 31.05.2007 passed by the learned Additional Sessions Judge, 2nd Fast Track Court, Berhampore, Murshidabad in Criminal Revision No.98 of 2007. The learned revisional court/sessions court affirmed the order dated 15.03.2007 passed by the learned Chief Judicial Magistrate, Berhampore, Murshidabad in connection with Berhampore Police Station Case No.75/07 dated 15.02.2007 under Sections 406/407/408/379/411/413/414/420/120B of the Indian Penal Code read with Section 7(1)(a)(ii) of the Essential Commodities Act whereby the learned Magistrate was pleased to reject the prayer for return of the seized wheat of the petitioner.

Mr. Sandip Chakraborty, learned advocate appearing for the petitioner draws the attention of this Court to the order passed

by the learned Sub-Divisional Magistrate wherein the order dated 17.04.2007 of the Sub-Divisional Magistrate, Berhampore, Murshidabad reflects that there was a direction for confiscation in respect of 220 bags of seized wheat and order was passed to distribute the same amongst actual poor beneficiaries through the MR. Distributor(s).

Similar prayers were advanced before the learned Chief Judicial Magistrate, Nadia, which was turned down and affirmed by the revisional court in Criminal Revision No.98 of 2007.

As none appears on behalf of the State, Ms Debjani Sahu, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. Her appointment may be regularised by the concerned authorities.

Records of the revisional application reflect that the same was admitted on 06.03.2008 but there was no interim order in respect of the confiscation of 220 bags of seized wheat with regard to Beharampore Police Station Case No.75 of 2007 dated 15.02.2007. More than 14 years have passed since then and having regard to the fact that the same is perishable commodity, I am of the opinion that no useful purpose would be served to keep the revisional application pending. If there are remedies available to the petitioner, the petitioner would be at liberty to agitate the same before the appropriate authority. No interference is called for.

With the aforesaid observations CRR 4353 of 2007 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)