

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 133 of 2022

**Dhilan Das & Ors.
Vs.
State of West Bengal & Anr.**

**For the petitioners : Mr. Rajdeep Mazumder, Adv.,
Ms. Radhika Agarwal, Adv.**

**For the State : Mr. S. G. Mukherji, Adv.,
Mr. Anand Keshari, Adv.**

**Heard &
Judgement on : 23.06.2022.**

Bibek Chaudhuri, J.

Since the Learned Public Prosecutor, High Court, Calcutta is present in Court on perusal of the instant criminal revision this Court is of the view that the instant revision can be disposed of in presence of the Learned Public Prosecutor, High Court, Calcutta. The petitioner is directed to serve a copy of the application to the Learned Public Prosecutor here and now.

The Learned Public Prosecutor has agreed to assist this Court on behalf of the opposite party.

Mirik Police Station Case No. 19/2022 dated 24th April, 2022 was registered on the basis of a complaint dated 24th April, 2022 filed by one Arun Sigchi, on the basis of which a case was registered under Sections 143/447/427/379/120B of the Indian Penal Code and also under Section 3 of the P.D.P.P. Act against the petitioners.

The petitioners are the Directors, office bearers and two other independent persons not connected with Sourennee Tea Estate.

It is the allegation of the *de facto* complainant that the petitioners cut about 300 trees from Sourennee Tea Estate and thereby committed theft in respect of said trees for their personal gain, committed mischief in respect of public property etc.

It is pointed out by Mr. Rajdeep Mazumder, Learned Advocate for the petitioners that the District Magistrate gave permission to cut 515 number of trees vide letter dated 14th February, 2022 for the purpose of garden labour welfare works. Subsequently, due to Covid Pandemic the petitioners were not able to take step in respect of cutting of the said trees. Subsequently the Manager, Sourennee Tea Estate made a prayer for extension of time to the Divisional Forest

officer, Kerseong Forest Division. The Divisional Forest Officer extended the period by 60 days vide letter dated 16th March, 2022.

Under such circumstances, the petitioners have prayed for quashing the FIR. Having heard the Learned Advocate for the petitioners and the Learned Public Prosecutor, High Court, Calcutta this Court directs the petitioners to produce all documents of permission to the Investigating Officer of this case within seven days from the date of this order. If on the basis of the said order it is found that the petitioners are entitled to cut the trees in accordance with law, he shall file final report in respect of Mirik Police Station Case No. 19/2022 dated 24th April, 2022 without harassing the petitioners in any manner in accordance with law.

The instant revisional application is, accordingly, **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)