

CRR 660 of 2011
CRAN 2 of 2012

In the matter of : Ram Saday Dey

Mr. S. Sarkar ... for the petitioner

Mr. N.P. Agarwala
Mr. P. Bose ... for the State

This revisional application under Section 482 of the Code of Criminal Procedure challenges the proceeding being G.R. Case No. 617 of 2005 pending before the Court of learned Additional Chief Judicial Magistrate, Asansol corresponding to Coke Oven P.S. Case No. 68 of 2005 dated 20.6.2005 under Sections 379/411/413/414 of the Indian Penal Code read with Section 30(a)(b) of the Coal Mines and Nationalization Act.

Heard Mr. Sarkar, learned counsel representing the petitioner and Mr. Bose, learned counsel representing the State.

Briefly stated that S.I. Pintu Mukherjee, of Coke Oven P.S. informed the O/C of the said P.S. in writing stating inter alia that on 10.6.2005 at around 14-20 hours while he was checking the illegal transportation of coal, iron, etc. a truck bearing no. WB-37/2795 was intercepted near Haldia Ispat under Coke Oven Police Station. The vehicle was proceeding toward M/s. Haldia Ispat Ltd., Angadpur. The driver could not produce any valid documents. On physical checking it was found that truck was loaded with steam coal which weighed approximately 12 Metric Tons. Information since disclosed offence cognizable in nature Coke Oven P.S. Case

No. 68 of 2005 was registered on 20.6.2005. Police took up investigation which culminated into submission of charge sheet against the accused person. This factum of submission of charge sheet prima facie indicates that the offence was committed by the accused persons.

Under such circumstances, I do not consider to invoke the provision of Section 482 of the Code of Criminal Procedure to quash the proceeding. However, liberty is given to the petitioner to take all the points urged before this Court in course of trial.

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

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

(Siddhartha Roy Chowdhury, J.)