

CRR 661 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. 981 of 2004 pending before the Court of learned Additional Chief Judicial Magistrate, Asansol corresponding to Durgapur P.S. Case No. 261 of 2004 dated 13.10.2004 under Sections 379/411/413/414/120B of the Indian Penal Code read with Section 30(2) 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. Sandip Sarkhel, of Durgapur P.S. informed the O/C of the said P.S. in writing stating inter alia that on 13.10.2004 at around 21-35 hours while he was checking the illegal transportation of coal dust a truck bearing no. WB-37/4872 was intercepted while it was proceeded towards Burdwan side to Asansol Side. The driver could not produce any valid documents. On physical checking it was found that truck was loaded with coal dust which weighed approximately 12 Metric Tons. Information since disclosed offence cognizable in nature Durgapur P.S. Case No. 261 of 2004 was registered on 13.10.2004. 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 it expedient 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, if any, 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.)