

01.09.2023
Serial no. 24
[G.S.D]

CRR 2417 of 2023

In the matter of : Ashim Kumar Nandi

... .. Petitioner

Mr. T. B. Mandal

... for the petitioner

Mr. Tanmay Kumar Ghosh
Ms. Sujata Das

... For the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Tanmay Kumar Ghosh, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The present revisional application has been preferred for quashing of the Complaint Case being 84 of 2023 pending before the Learned ACJM, Bongaon which arise out of Bagdah Circle Sl. No. 08/23-24 dated 9.5.2023 u/s. 46A(C) of the B.E. Act.

Having regard to the nature of the contention so advanced in the present revisional application, I am of the opinion that the same relates to the question of facts. The complainant/prosecution i.e., the Excise Authority must be allowed to adduce witness at least to nullify the contention

which has been advanced in the present revisional application.

Taking into account the issues so canvassed which relate to question of facts, I am not inclined to interfere with the case which is at the inception stage.

However, the petitioner is granted liberty to canvass such points at the appropriate stage of the trial.

With the aforesaid observations, CRR 2417 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)