

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

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

C.R.R. 3453 of 2022

***Rakona Rice Mill & Anr.
Vs.
The State of West Bengal & Ors.***

For the petitioners : Syed Julfika Ali, Adv.

Heard on : 09.01.2023

Judgment On : 09.01.2023.

Bibek Chaudhuri, J.

The petitioner No.1 Rakona Rice Mill is a partnership firm represented by petitioner No.2. As per agreement with West Bengal Essential Commodities Supply Corporation Limited (WBECSCL), it was agreed that the petitioner shall supply paddy to the WBECSCL within specific period of time. However, there was shortfall in quantity of paddy which was supplied by the petitioners and subsequently vide order dated 19th September, 2016, the District Controller, Bardhaman extended the period of validity of supplying of the remaining portion of paddy till 29th September, 2016. The petitioners duly complied with the said order and during the extended period, supplied

remaining portion of paddy to the concerned authority/opposite party No.2. Thereafter, the Purchase Officer, WBECSCCL wrote a letter on 3rd October, 2016 to the Officer-in-Charge, Golshi Police Station requesting him to withdraw the FIR instituted against the petitioners as they have duly delivered paddy within the extended period of time. The said fact was also communicated to the General Manager, WBECSCCL.

However, the Investigating Officer did not stop investigation or alternatively did not file final report in respect of the said case. On the contrary, he submitted charge-sheet against the petitioners under Sections 406/420 of the Indian Penal Code.

It is submitted by the learned Advocate for the petitioners that the petitioners brought the said fact to the learned Chief Judicial Magistrate, Purba Bardhaman but without taking cognizance into the said papers, he is proceeding with the trial of the case.

Learned Advocate for the petitioners submits the certified copy of the deposition of the witness No.1, who is the de-facto complainant of this case. He clearly stated in his cross-examination that after the expiry of the agreement, the term of the agreement was extended till 29th September, 2016. But he lodged the FIR against the accused on 21st September, 2016. He also submitted that remaining paddy was

delivered by the accused to the department within the said extended period of time.

In view of such circumstances, this Court has every doubt as to how the trial of the case is being proceeded with.

The petitioners are given liberty to produce all relevant documents before the learned Chief Judicial Magistrate, Purba Bardhaman who is directed to consider the said documents and if he finds that continuation of trial of the case is a futile exercise, he is at liberty to pass necessary order in accordance with law.

The instant revision is according disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.29.
D/L.***