

22-09-2023
Subha
Item no.09
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 3454 of 2022

Sk. Jalil @ Sk. Jilal @ Sk. Jalal
-versus-
State of West Bengal

Mr. Jaydeep Biswas
Mr. Koushik Ghosh
....for the petitioner.

Mr. Rudradipta Nandy, Id. APP
Mrs. Manisha Sharma
....for the State.

Affidavit of service so filed by the petitioner be kept with the record.

The petitioner has prayed for return of the seized steam coal by order dated 25-04-2022 passed by the learned District and Sessions Judge, 1st court, Durgapur in Criminal Revision No. 9 of 2022. The said case arose out of Budbud P. S. Case No. 132 of 2021 dated 22.12.2021 under Sections 379/411/413/414/120B of the Indian Penal Code.

The petitioner has challenged the order and has insisted on the return of the seized steam coal. The documents on which the petitioner relied upon have been questioned and for that a thorough enquiry was conducted by the Investigating Agency according to the report, which has been submitted before this court. The relevant part of which is set out as follows “-

“Accordingly on 12-01-2022 IO and ASI Arabinda Bhattacharya and force of Budbud PS held enquiry/verification at the respective PS area. During enquiry IO along with ASI Arabinda Bhattacharya and with the active co-operation of Gobindpur PS police had been to M/s Shiv Shakti Coal Supplier, Baliapur Road, Gobindpur, Dhanbad, Jharkhand and found that the entire factory surrounded with perimeter wall, having some coal there but no office building existing within that factory premises. On repeated search neither the proprietor/owner nor any partner of the factory turned

up. After searching the depot it was crystal-clear that there was no coal related business for long time, the place was abandoned at that time. During enquiry one Rohit Kumar(21) S/o- Baij Nath Ram of village Bidyapath Nagar, PS-Gobindpur, Dist-Dhanbad, Jharkhand appeared before the enquiry officer and addressed himself as the manager(Munsi) of the factory. On demand he failed to produce the copy of the papers issue during dispatch of the seized coal of this case nor produced any register related to the stock, sale/purchase of coal of the factory having no office of its own. IO examined the said manager(Munsi) of the factory and recorded his statement u/s. 161 CrPC in front of camera and the entire examination process was video graphed(enclosed with original case docket). IO also recorded the statement u/s – 161 CrPC of their accompanied officer ASI Vijay Kr Srivastava(45) of Govindpur PS Dist-Dhanbad, Jharkhand in this regard as evidence.”

In view of the report at this stage, I do not find anything to interfere with the return of the seized steam coal as the documents relied upon by the petitioner have no basis in view of the report so submitted by the Investigating Officer of the Budbud PS.

Mr. Biswas, learned advocate appearing on behalf of the petitioner submits that a copy of the report may be handed over to him as chargesheet has already been submitted. I do not think that further pendency of the revisional application is warranted in view of the report so submitted before this court. The petitioner would be entitled to the copies under Section 207 of the Code of Criminal Procedure on the next date so fixed which the prosecution would ensure on the next date. Along with the copies under Section 207 Cr.PC, the State would also submit the materials which they have quoted with regard to the enquiry admitted on 12th January, 2022 in respect of M/s. *Shiv Shakti Coal Supplier, Baliapur Road, Gobindpur, Dhanbad, Jharkhand* as well as the statement of one Rohit Kumar who claimed himself as the manager of the factory concerned.

If the petitioner after receiving the copies under Section 207 Cr.PC and

that of the enquiry report is of view that a fresh application is required to be filed before the jurisdictional court, the jurisdictional court will consider the same and dispose of the same in accordance with law.

With the aforesaid observations, the revisional application being CRR 3454 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]