

20-11-2023
Chanchal
Item no. 8
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3726 of 2023

Joydeb Gosh & Ors.

-versus-

State of West Bengal & Ors.

Mr. S. N. Mukherjee

Mr. Niraj Gupta

Mr. Soupal Chatterjee

....for the petitioners.

Mr. Arijit Ganguly

Mr. Koushik Kundu

.... for the State.

Records reflect that the examination of the witnesses have already commenced. The very foundation of the revisional application was based on the factum that since in the confiscation proceedings Sub Divisional officer has refused to accept the seized rice as PDS item the criminal proceedings cannot continue. The finding of a Sub Divisional Officer is never binding upon Judicial Authority. The Judicial Authority will operate on the parameters and evidence so laid down by the prosecuting/investigating agency in the charge-sheet.

Having considered that the evidence has already commenced in this case and two witnesses have been examined and the parameters for determining a criminal case is completely different from the parameters of consideration of return of the seized item before the administrative authority, I direct the trial to be taken to its logical conclusion. Let the trial be concluded within a period of one year from the date of communication of this order without

granting unnecessary adjournment to either of the parties. The learned trial court will arrive at its independent opinion without being influenced by any observation made by any authority.

With the aforesaid observations, the present revisional application being CRR 3726 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

Certified copy of the order be kept on record.

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]