

19.4.2023
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SB
Ct. No.236

CRR 4140 of 2011
CRAN 1 of 2012

In the matter of : Sri Basudev Bhandari

Mr. Binay Kr. Panda
Ms. Pushpita Saha ... for the State

Despite service of notice none is appearing on behalf of the petitioner.

This revisional application is pending since 2011. Instead of adjourning the matter *suo moto*, considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

It appears that on 24.2.2012 the petition was moved before Hon'ble Justice Raghunath Bhattacharyya, J (as His Lordship then was) and direction was given upon the petitioner to serve notice with copy of the application upon the opposite party and the proceeding was stayed for a period of twelve weeks from date. There has been no substantial development since 24.2.2012.

This application under consideration challenges the proceeding being G.R. No. 828 of 2008 arising out of Mathurapur P.S. Case No. 87 of 2008 dated 23.6.2008.

Briefly stated, on 23.6.2008, S.I. Nimai Chandra Das of Mathurapur P.S. informed the Officer-in-Charge of Mathurapur P.S. that Basudev Bhandari, Jahirul Laskar, Amanullya Paik, Safiulla Paik, Mobarak Paik & Joydev Mistry were found dealing 25 barrels of kerosene oil illegally worth Rs.42,700/- which were

recovered from the possession of aforesaid six persons. The police caught hold of one Illias Paik, and rest of the shop owners fled away having found police in operation. Subsequently, all of them were rounded up. On the basis of such information, Mathurapur P.S. Case No. 87 / 08, dated 23.6.2008 was registered. Police took up investigation which culminated into submission of charge sheet against the accused persons under Sections 7X-55 of the Essential Commodities Act. The petitioner by filing this application under consideration is seeking quashment of the charge sheet pleading inter alia that he was engaged in the said Panchayet election. He is a government servant who used to work as D.T.O. under B.D.O. Kulpi. Since police after investigation has submitted charge sheet there is every reason to presume that after being satisfied about the prima facie case charge sheet has been submitted. At this stage, I am not inclined to rely upon the documents furnished by the petitioner which may be used as defence evidence during trial.

The revisional application merits no consideration and is dismissed along with application being CRAN 1 of 2012 without any order as to costs.

Liberty is given to the petitioner to agitate all points taken before this Court before the Learned Trial Court during trial.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)