

D/L215
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C.R.R.4703 of 2022

In Re: An application under Section 482 read with Section 483 of the Code of Criminal Procedure, 1973;

Haradhan Garai
Versus
The State of West Bengal

Mr. Prosenjit Mukherjee
Ms. Sudipa Biswas
Mr. Saptarshi Chakraborty
Ms. Aslam Parvez
...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Paramanick.
...for the State.

Report submitted by Inspector-in-Charge, Burdwan Police Station, Purba Bardhaman is accompanied by the reply of the Public Analyst/Food Analyst. Let the report be kept with the record.

In this case, there are two public analyst reports – one which has been handed over to the accused in respect of seizure which was effected and there was another report which was relied upon for pursuing the prosecution of the case. The answer which has been given by the Public Analyst/Food Analyst is that since from different places, the seizures were effected, naturally, there is every possibility that some of the products are to be fit for human consumption and some of the products may not satisfy the requirements of human consumption. The yardstick which has been expressed in the two reports are completely different.

Having regard to the manner in which the materials

which have been collected in this case in an investigation, it is difficult for the court to find out at this stage whether a case has been made out or whether a case has not been made out against the petitioner and this is because of the report of the Public Analyst.

Since the return of the goods which are perishable in nature and is vested with the administration for return, I direct the District Magistrate, Purba Bardhaman to conduct a thorough enquiry regarding the manner in which the seizure was effected, whether there were seizures from two different places, whether several tests were carried out by the Public Analyst/Food Analyst and then after assessing the totality of the case, the District Magistrate would decide whether the food articles/mustard oil should be returned to the petitioner or confiscated by the State.

Petitioner is directed to file an application bringing to the notice of the District Magistrate the order passed by this Court in connection with Burdwan Police Station Case No.966 of 2021 on 16th August, 2023. An information be sent to the Inspector-in-Charge of Burdwan Police Station who would also be present on the date and time which would be mutually decided by the parties for appearing before the office of the District Magistrate. All the documents and papers would be handed over to the Inspector-in-Charge to the District Magistrate on the said date. The District Magistrate would take efforts so that the whole of the enquiry is completed by 31st August, 2023 when he would pronounce his verdict.

With the aforesaid observations, CRR 4703 of 2022 is

disposed of.

The Investigating Officer of the case is present in Court. His further appearance for the purpose of this case is dispensed with.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)