

14.06.2024.
126.
Ct. No.551
Bd.

C.R.R. 1551 of 2011

Mihir Tikadar
-vs-
The State of West Bengal & Anr.

Mr. Bibaswan Bhattacharya
Mr. M. Goswami
Ms. Bindia Paul for the petitioner.

Mr. Suman De ... for the State

1. Heard learned advocate for the petitioner and learned advocate for the State.
2. By filing the instant application under section 482 of the Code of Criminal Procedure the petitioner has prayed for quashing of G.R.Case No. 607 of 2009 which is pending before the learned Judicial Magistrate, 2nd Court at Ranaghat, Nadia.
3. In support of the petition under consideration learned advocate for the petitioner at the very outset draws attention of this Court to page 22 of the application under consideration being the photocopy of the order dated 11.03.2011 as passed in W.P. 19245(W) of 2010 by a coordinate Bench in a writ petition filed by the present petitioner.
4. It is submitted on behalf of the petitioner that from the said order it would reveal that in spite of receipt of the requisite fees towards royalty for grant of mining lease on the prayer of the present petitioner the respondents State was

reluctant to grant mining lease in favour of the present petitioner and thus the said coordinate Bench permitted the present petitioner to continue with the work of mining in the land in question till a reasoned order has been passed.

5. It is submitted that thereafter though no reasoned order was passed but the petitioner was granted sanction for mining on the land in question upon payment of requisite fees along with fine and that the said fine was realized on account of alleged unauthorized extraction.

6. Learned advocate for the State, however, opposes such contention.

7. Attention of this Court has also been drawn to a report dated February 21, 2024 as submitted by Officer-in-Charge, Santipur Police Station.

8. On perusal of the entire file it reveals that on the basis of the aforesaid FIR Santipur P.S. Case No. 161 of 2009 dated 17.04.2009 was started. An investigation was taken up and on conclusion of such investigation charge-sheet was submitted under section 4(D) of the Land Reforms Act, against the accused persons out of whom charge-sheeted accused No. 1 is the petitioner before this Court.

9. At the time of hearing on being asked learned advocate for the petitioner submits before this Court that the present petitioner is not in a position to file any document that the sanction which has been granted in favour of the present petitioner was granted with retrospective effect covering the

date of FIR and/or the petitioner is also not in a position to submit any document to substantiate on the date of lodging of the FIR, the charge-sheeted accused persons possessed any mining license though it was claimed that for the alleged unauthorized excavation, fine was imposed and that has been paid by the petitioner.

10. In considered view of this Court since no materials have been placed before this Court at least prima-facie to substantiate that on the date of alleged offence the petitioner was in possession of any valid license for excavation of land and/or the alleged illegal act has been compounded by deposit of fine with the State authority, this Court finds no justification to invoke its jurisdiction under section 482 of the Cr.P.C. in the instant case.

11. As a result, the instant revisional application fails and is, thus, dismissed.

12. It is however made clear that the observation made hereinabove is purely limited for the disposal of the instant application and the learned Trial Court is directed not to persuade himself with any of the observation made hereinabove at the time of disposal of G.R.Case No. 607 of 2009.

13. Department is directed to forward a copy of this order to the learned Judicial Magistrate, 2nd Court at Ranaghat, Nadia, for his information and record with a further direction

to conclude the hearing of G.R. Case No. 607 of 2009 positively by the end of 2024.

13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Partha Sarathi Sen, J.)