

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

PRESENT:

The Hon'ble Justice Apurba Sinha Ray

GA 07 of 1999
The State of West Bengal
Vs.
Prova Prosad & Ors.

For the State : Mr. Debasish Roy, Ld. P.P.
: Ms. Zareen N. Khan, Adv.

Heard On : 11.06.2025

Judgment Delivered On : 18.06.2025

Apurba Sinha Ray, J. :-

1. The prosecution case, in a nutshell, is that on 09.01.1996 at Dakghar under Mahestala Police Station, Alipore, the accused persons with common intention violated the provision of Para 3 of West Bengal Lubricating Oil (Licensing and Control) Order, 1967, and committed an offence under section 7(1)(a)(ii)/8 of Essential Commodities Act, 1955, in connection with Alipur Police Station case no. 11 dated 09.01.1996.

2. The accused Prova Prosad, driver of the impugned vehicle, failed to show the valid documents for possessing fourteen barrels of lubricating oil. Hence, an S.I. of Police, namely, A.R. Mallick attached to Calcutta E.B., seized a van

bearing no. WB-03-0816 on 09.01.1996 near the National Library on Belvedere Road for carrying those barrels.

3. After completion of the investigation, the concerned I.O. submitted chargesheet against the accused persons under sections 7(1)(a)(ii) of Essential Commodities Act, 1955, before the court of the Learned Special Court, E.C. Act cum Additional Sessions, Alipore. The prosecution examined as many as 5 witnesses.

4. By judgment and order dated 31.07.1997, the accused persons, namely, Prova Prosad, Satrughna Jha, Paritosh Mukherjee, and Gopal Ghosh were found not guilty under Sections 7(1)(a)(ii) of Essential Commodities Act, 1955, and they were acquitted from the charges of the case.

5. The State has preferred this appeal on 29.09.1997, challenging the said judgment of acquittal. In spite of service, the accused persons and respondents remained unrepresented and as such, the matter is taken up for disposal on its merits.

6. The Trial Court, after compliance with necessary formalities, recorded an order of acquittal which is under challenge before this Hon'ble Court. In spite of service, the accused persons/respondents are unrepresented and as such, the matter is taken up for disposal on merits.

7. In my view, it will not prejudice the respondents even if the service is dispensed with after taking into consideration all materials available on the record.

8. I have heard the Learned Public Prosecutor who argues in favour of the appeal and points out some infirmities in the order of the Trial Judge.

9. This court, however, is not convinced with the arguments advanced on behalf of the State since, according to me, the order of acquittal has been recorded by the Learned Trial Judge upon consideration of all the materials placed before him.

10. In view of the law laid down by the Hon'ble Apex Court from time immemorial and recently in the case of Constable 907 Surendra Singh & Anr. Vs. State of Uttarakhand, reported in 2025 SCC Online, SC 176, I do not think there is any scope for interference by this Hon'ble Court as the impugned judgment and order seems to be justified and reasonable.

11. Accordingly, the appeal fails and is, thus, dismissed. No order as to costs.

(APURBA SINHA RAY, J.)