

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. No. 2884 of 2024
ANIMESH KUMAR DEY
VS
THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Avirup Mondal, Adv.
Ms. Ahana Ghosh Mondal, Adv.

For the State : Mr. Ranjan Chakraborty, Adv.
Mr. Deepak Shakawat, Adv.

Heard on : 31.08.2026

Delivered on : 03.09.2026

Uploaded on : 03.09.2026

Ajay Kumar Gupta, J.:

1. This instant Criminal Revisional application has been filed by the accused/petitioner seeking quashing of the proceeding being G.R. Case No. 1750 of 2023 arising out of Arambagh P.S. Case No. 381/2023 under Sections 188/285/286 of the Indian Penal Code, 1860 and Section 24 of West Bengal Fire Services Act,

1950, pending before the Court of the Learned Additional Chief Judicial Magistrate at Arambagh.

- 2.** The brief facts of the case are that on 11th November, 2023 at about 20.45 hrs. to 22.15 hrs., the Opposite Party No. 2 received information from a reliable source over telephone that the petitioner was selling sound-crackers and fireworks illegally in his shop named and styled as 'Shibam Stationery Shop' at Kayettala, Gourhati, under Arambagh Police Station and earning money by illegal means.
- 3.** The opposite party no. 2, along with a team, with due permission of the Officer-in-Charge, Arambag PS, conducted a raid in the shop of the petitioner and seized 35 kgs of different types of prohibited sound-crackers and fireworks as per the seizure list.
- 4.** A case being Arambagh P.S. Case No. 381/2023 under Sections 188/285/286 of the Indian Penal Code, 1860 and Section 24 of the West Bengal Fire Services Act, 1950, was initiated when the petitioner failed to produce any valid licence for selling such sound-crackers and fireworks.
- 5.** Learned counsel appearing on behalf of the petitioner submits that he is innocent and is in no way connected with the offence as alleged. The petitioner is not the owner; he is merely a staff of 'Shibam Stationery Shop' and does not know about the

consequences of selling such crackers and fireworks, all the crackers were green crackers which were permissible in law. The case, initiated against the present petitioner, is out and out false and frivolous and only to harass the petitioner.

6. Learned counsel further submits that the petitioner was not selling the sound-crackers in any manner whatsoever. Therefore, the ingredients of Section 188 of the IPC and other sections are not attracted against the petitioner. Only on such ground the petitioner's case may be quashed to prevent abuse of process of law and to secure the ends of justice.
7. Learned counsel appearing on behalf of the State, on the other hand, produces the case diary and submits that the case was registered by S.I. of Police before the Officer-in-Charge, Arambag PS after seizing sound-crackers and fireworks. The offences fall under the category of cognizable offence. Apart from that, after completion of investigation, a charge sheet being No. 386/23 dated 30.11.2023 u/s 188/285/286 of IPC and 24 of the WB Fire Services Act has been submitted against the sole accused, the petitioner herein when a prima facie case was established. Therefore, this Revisional application is liable to be dismissed.
8. Having heard the submissions made by the learned counsels for the respective parties and having gone through the materials

available in the case diary, particularly the statements and seizure list, this Court is of the view that while registering the FIR, a cognizable offence was disclosed. Furthermore, during investigation, sufficient materials were collected against the present petitioner. He is the owner of 'Shibam Stationery Shop', as appeared from the case diary. Therefore, this Court does not find any sufficient ground or reason to quash the proceeding against the present petitioner.

9. Furthermore, this Court cannot embark upon a trial or mini trial to ascertain whether he is innocent or falsely implicated in this case. It reveals from the CD that the allegation against the petitioner is *prima facie* established. Therefore, a trial is required to be conducted by the trial court to unearth the truth after final disposal of this case.
10. Accordingly, **C.R.R. No. 2884 of 2024** is **dismissed**. Connected applications, if any, are also, thus, disposed of. Learned Additional Chief Judicial Magistrate at Arambagh is directed to expedite the proceeding as expeditiously as possible to arrive at the logical conclusion.
11. Case Diary, if any, be returned to the learned counsel for the State.

- 12.** Interim order, if any, stands vacated.
- 13.** Let a copy of this judgment be forwarded to the Learned Trial Court for information.
- 14.** All parties shall act on the basis of a server copy of this judgment duly downloaded from the official *website* of this court.
- 15.** Urgent photostat certified copy of this judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J.)

(P.A.)