

D/L58
28.09.2022
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C.R.R.1832 of 2021

In Re: A petition under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Bengal Nestors Industries Limited
Versus
The State of West Bengal and another

Mr. Sabyasachi Banerjee,
Mr. Ayan Bhattacharjee,
Ms. Ritu Das.
...for the petitioner.

Mr. Debasish Roy,
Ms. Soumik Ganguly.
...for the opposite party no.2.

The subject matter of the revisional application relates to an order dated 15th July, 2021 passed by the learned ACJM, Bishnupur in connection with G.R. No.605 of 2020 in respect of a case arising out of Kotulpur Police Station Case No.119 of 2020 dated October 20, 2020 under Sections 406/420 of the Indian Penal Code.

I have perused the order passed by the learned ACJM, Bishnupur as also the application filed by the Investigating Officer of the case praying for further investigation. The settled proposition of law is that if the Investigating Officer of the case for the purpose of eliciting truth is intending to conduct a further investigation then in that case it would be an ethical duty to inform the court regarding further investigation being conducted. In this particular case, the Investigating Officer took out an application praying for further investigation which contained details as to why the further

investigation is required to be conducted and the learned ACJM, Bishnupur dealt with the same which was unwarranted.

Having regard to the settled proposition of law, I am of the opinion that the prayers so advanced by the petitioner at this stage cannot be acceded to. However, the investigation of the case is continuing since October 20, 2020 and the petitioners apprehend that they may be harassed in course of further investigation, as such, in case the petitioners are required by the Investigating Officer of the case he would serve a notice for their appearance and grant them 72 hours time for such appearance. The Investigating Agency is directed not to take any coercive steps against the petitioners till 25th October, 2022, within the said period the petitioners would be at liberty to exhaust the remedies available under the law.

With the aforesaid directions, CRR 1832 of 2021 is dismissed.

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.

(Tirthankar Ghosh, J.)