

09.01.2023

Item No.34
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 175 of 2021

**Dilip Agarwal @ Dilip Kumar Agarwal & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 read with
Section 482 of the Code of Criminal Procedure, 1973.

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. P. Roy ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly ... For the State.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Somopriyo Chowdhury,
Mr. Sumanta Biswas,
Ms. Rekha Ghosh ... For the Opposite Party No.2.

This revisional application has been preferred
challenging Shyampukur Police Station Case No. 2 of 2021
dated 01.01.2021.

Mr. Majumder, learned advocate appearing for the
petitioners submits that substantial payments have been
made and the parties are at cordial terms. However, the same
has been opposed by Mr. Ganguly, learned senior advocate
appearing for the private opposite party no.2.

The parties are presently approaching each other and
attempts are there for settling their issues, although it has
been submitted by the opposite party no.2 that they are not
in a position right now to endorse the views expressed by the
learned advocate appearing for the petitioners.

The case was registered in the year 2021. Investigation of the case is still in progress. In view of the submissions advanced by the learned advocate appearing for the petitioners that the petitioners would make utmost attempts for clearing the settled amount within a reasonable period of time, I direct that in case such an amount is paid by September 2023, the Investigating Officer of the case would close the investigation and file his final report under Section 173 of the Code of Criminal Procedure. However, in case the petitioner has cleared substantial amount in respect of the settled terms, but could not complete the same, the Investigating Officer would take consent of both the parties and thereafter would decide whether he should extend the time or not, in the alternative, it would be the Investigating Officer who would exercise his discretion in the given set of circumstances.

In case, the parties do not comply with their commitment as submitted before this Court, the Investigating Officer of the case would proceed to file his report by exercising his discretion by 31.01.2024.

No further pendency of this revisional application is called for before this Court in view of the changed circumstances expressed by the petitioner and the opposite party no.2.

Accordingly, the revisional application being CRR 175 of 2021 is disposed of.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)