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C.R.R.544 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

M/s. Kaya Blennders and Distillers and another
Versus
The State of West Bengal and another

Mr. Satadru Lahiri,
Mr. Md. Musharrof Hossain.
...for the petitioners.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta,
Mr. Bitasok Banerjee.
...for the State.

The present revisional application has been preferred challenging the proceedings arising out of Asansol Police Station Case No.470 of 2019 dated 17.12.2019 under Sections 405/415/420/120B of the Indian Penal Code.

Memo of Evidence submitted by Mr. Ghosh, learned advocate appearing for the State do not reflect that charge-sheet has till date been submitted before the jurisdictional court. Let the Memo of Evidence be kept with the record.

Having considered the nature of the transactions which had taken place between the parties and the stage and purpose for which the investigation has been stalled and the investigating officer is unable to progress with the investigation of the case, I direct that the petitioner no.2 would approach the investigating officer of the case in the first week of March ranging from 01.03.2023 to 08.03.2023. The investigating officer would express his

requirements for the purposes of investigation of the instant case. Thereafter, the time schedule for meeting the investigating officer, assisting the investigating officer and co-operating with the investigating officer would be decided by the investigating officer himself. Steps must be taken to conclude the investigation as it commenced in the year 2019.

In view of the judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and another** reported in **(2022) 10 SCC 51**, I find that till now the charges are for magistrate triable offence until and unless graver sections are charged and there is absolutely non-cooperation from the petitioner no.2, the investigating officer will not exercise his powers of arrest unnecessarily. In case the petitioner no.2 is arrested the investigating officer would explain as he is supposed to give under Section 41A of the Code of Criminal Procedure and furnish the same before the jurisdictional court. As the investigation is progressing since 2019 it would be in the interest of justice that within a period of three months the investigating officer should be able to form his opinion and submit report under Section 173 of the Code of Criminal Procedure before the jurisdictional court.

With the aforesaid observations, CRR 544 of 2021 is disposed of.

Pending 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 of all requisite formalities.

(Tirthankar Ghosh, J.)