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20.06.2023
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C.R.R.976 of 2023

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

Shriniwasa Roadways Pvt Ltd and another
Versus
State of West Bengal and another

Ms. Ujjaini Chatterjee,
Mr. Smarajit Basu.
...for the petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

Mr. Milon Mukherjee,
Mr. Sanjay Banerjee,
Mr. Protim Priya Dasgupta,
Mr. Joydeep Bhattacharjee.
...for the opposite party no.2.

Ms. Chatterjee, learned advocate, appears for the petitioners and submits that the present petitioners are on a distinct and different platform than the accused persons against whom order has been passed by the Hon'ble Supreme Court. Learned advocate argues in respect of innocence of the present petitioners who have been victimised and has met the Investigating Officer number of times. According to the learned advocate, the petitioners at least should be extended the same benefit which has been granted by the Hon'ble Supreme Court in respect of two of the accused persons who were favoured with an order by the High Court and whose order has been set aside by the Hon'ble Supreme

Court. It has been emphasised that pursuant to a notice under Section 41A of the Code of Criminal Procedure at least five occasions the petitioners met the Investigating Agency and, as such, their arrest may be protected till the charge-sheet is filed by the Investigating Agency.

Mr. Ranabir Roy Chowdhury, learned advocate appearing for the State opposes the prayer and submits that there are complicity of the present petitioners and the materials so far collected do reflect the incriminating nature of documents which have been presented for commission of the alleged offences. Learned advocate for the State opposes any prayer for interim protection being granted to the petitioners till the submission of charge-sheet. Additionally, he submits that till date although for number of occasions the accused persons met with the Investigating Agency but they did not cooperate with the Investigating Agency particularly with regard to the collection of materials which were expected in the meantime.

Be that as it may, having regard to the fact that two of the accused persons were granted interim protection till cognizance is taken by the jurisdictional court, I direct that the petitioners in the present application shall not be arrested till 4th July, 2023. They must be available at the addresses mentioned in the cause title of the present revisional application and should cooperate with the Investigating Agency. Petitioners would, if so advised, exhaust their remedies in the meantime. The Investigating Agency would be at liberty to take their steps, if required, on and from 5th July, 2023.

No interference is made with the merits of the case at this stage pursuant to the order passed by the Hon'ble Supreme Court in Special Leave Petition (Cri.) Nos.5779-5780 of 2023.

Accordingly, CRR 976 of 2023 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)