

14.08.2023
Serial no. 29
[G.S.D]

CRR 2929 of 2023

In the matter of : Rajendra Singh Parihar & Anr.

... .. Petitioners

Mr. Sourav Chatterjee
Mr. Shiv Ratan Kakirania
Mr. K. Sharma

... For the Petitioners

Mr. Chatterjee, Learned Advocate for the petitioners, submits that the next date has been fixed on 17th of November, 2023 for hearing the petition of the CBI in respect of 'closure of further investigation'.

Learned Advocate submits that, in this case, the accounts which have been placed by the Investigating Agency, are full of inconsistencies and they do not tally with the income tax return of the petitioner no.1 as well as that of the petitioner no.2, who happens to be the wife of the petitioner no.1, who is a public servant.

According to the Learned Advocate, the CBI has accepted the proposition of business of the wife/the petitioner no.2 being carried out since 1989.

However, Investigating Agency submitted charge-sheet against her/the petitioner no.2.

The investigation in this case commenced in the year 2014 and, it is almost 9 years, since the initiation of the investigation and till date, the lady is being drawn to the Court of law without any fault of her, as is submitted by the Learned Advocate for the petitioner.

Be that as it may, the next date has been fixed on 17th of November, 2023 for hearing of the application for 'closure of further investigation' before the Learned Special Court.

The check period as has been stated by Mr. Chatterjee is from 2004 to 2011. The petitioner no.2 is carrying on the business since the year 1989.

The Learned Trial Court would assess after 9 years, whether it would be prudent to pursue with the complicity of the petitioner no.2 when it is accepted by the Investigating Agency that there was a existing business.

So far as the amount is concerned, which has been quantified to be disproportionate, the Learned Trial Court would take into account relying upon the Judgment of the Hon'ble Supreme reported in [*Krishnanand Agnihotri -Vs- State of Madhya Pradesh (1977) 1 SCC 816*] and thereafter arrive at its findings as to whether further continuance of the trial of the case would be called for in the background of the facts and circumstances of the present case.

The next date has been fixed on 17th of November, 2023 before the Learned Special Court and the Learned Special Court seeing the agony being faced by the petitioners for the last nine years, would fix at least one date in a fortnight, if any application is filed and dispose of such application within a period of 45 days from the date of filing of such application.

With the aforesaid observations, CRR 2929 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)