

08.01.2024
Sl.No. 59
Ct. 32
Amalranjan

CRR 2248 of 2016

Sushil Kumar Hetamsaria
Vs.
The State of West Bengal and anr

Mr. Sarjati Datta.....for the State

Nobody appears on behalf of the petitioner on call.
Even on earlier occasion no one represented the petitioner,
nor accommodation sought for.

Report filed by the State is taken on record.

Upon perusal of the record and report, it appears that
earlier there was an interim order directing the investigating
officer not to take any coercive steps against the petitioner
subject to the condition that the petitioner will not continue
construction work in the Premises no.4, Panchu Dhobani,
Gullee, Borough No. V of the Calcutta Municipal Corporation
and on further condition that the petitioner will co-operate
with the investigation officer vide order dated 02.07.2016.

During the pendency of the case, the petitioner has
obtained anticipatory bail. When the petitioner was in bail,
this court did not find any need to extend the said interim
order. However, it was directed the investigation agency not
to file a final report in this case without leave of this court
vide order dated 19.03.2021.

It is submitted by the learned advocate for the State
that the investigation has already been completed. If this
court allows to file the chargesheet then the I.O. can file the

chargesheet before the learned court below since the matter is pending since 2016.

This court does not find any hindrance or any impediment to direct the I.O. to file the chargesheet when the investigation has already been completed. Accordingly, I.O. is given liberty to file the chargesheet in connection with Girish Park police Station case No.126 dated 28.04.2016 under Section 401A of the Kolkata Municipal Act. Furthermore, this court also not found any sufficient ground to allow the prayer of the petitioner.

Under such circumstances, there is no need to keep this case pending as the Investigation officer established prima facie case against the accused person of the alleged offence after collecting materials during investigation.

Accordingly, the instant revisional application being **CRR 2248 of 2016** is thus disposed of with liberty to the petitioner to agitate all his grievances, if so advised before the trial court.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)