



2023:CHC-AS:44090

28.09.2021

Item No.282
Ct.No.34
dc.

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

C.R.R. 814 of 2020
(Via Video Conference)

Ashoke Gutgutia & Anr.
versus
The State of West Bengal & Anr.

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

Mr. Sekhar Basu, Sr. Adv.,
Mr. Saryati Datta ... For the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Rudradipta Nandy ... For the State.

Mr. Basu, learned senior advocate appearing for the petitioners submits that the petitioners surrendered before the jurisdictional court on 20.05.2017, charge-sheet was filed on 31.10.2019 and cognizance was taken by the jurisdictional court on 24.12.2019. Learned senior advocate submits that in the meantime on or about 18.11.2019, the petitioners preferred an application under Section 167(5) of the Code of Criminal Procedure for discharge. According to the petitioners, the explanation which has been offered by the investigating officer in the charge-sheet is without any substance and the learned Magistrate having taken cognizance of the offence on such a charge-sheet, is not tenable.

Mr. Roy Chowdhury, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the relevant statements as well as the materials collected by the investigating agency.



As the petitioners surrendered on 20.05.2017, the statutory period for completion of investigation should have been 19.05.2019. On perusal of the case diary, I find that after this cut off date, the investigating agency practically has not done anything which are to be relied upon by way of evidence in support of the prosecution case.

Be that as it may, an accommodation has been sought for, to address the Court on merits of the case.

Let the matter appear under the heading "For Orders" on 05.10.2021.

(Tirthankar Ghosh, J.)