

CRR 1740 of 2020

**Gora Chand Mukherjee
Vs.
State of West Bengal & Anr.**

**Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. Satadru Lahiri
.....For the Petitioner**

**Mr. Madhusudan Sur, Ld. A. P. P.
Mr. Dipankar Paramanick
.....For the State**

The continuance of the proceedings pending before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly has been challenged on the ground that the offences complained of includes amongst others under Section 409 of the Indian Penal Code and the provisions of the Prevention of Corruption Act, 1988.

In view of the allegations so made and the provisions of law so incorporated in the charge sheet, I am of the opinion that the same is to be tried by Special Court having jurisdiction for trying matters under the Prevention of Corruption Act and under Section 409 of the Indian Penal Code.

I have been informed by Mr. Sur, learned advocate for the State that the learned Additional District and Sessions Judge, 2nd Court, Chinsurah, Hooghly is the Special Court for the purpose of trial of the aforesaid provisions. Accordingly, it was

incumbent upon the Investigating Officer to file the charge sheet before the said court.

Thus the order dated 17.07.2020 whereby the learned A. C. J. M. Arambagh, Hooghly took cognizance of the offence after the charge sheet being filed before the concerned court is bad in law. The learned A. C. J. M., Arambagh, Hooghly is directed to transmit the records of this case to the court of the learned Additional District and Sessions Judge, 2nd Court, Chinsurah, Hooghly. The Investigating Officer of the case will file an application for bringing the same to the notice of the learned Special court and the learned Special Court will thereafter consider the issue of cognizance, appearance of the accused persons and all subsequent proceedings in accordance with the law. The Investigating Officer is directed to bring to the notice of the learned A.C.J.M., Arambagh, Hooghly regarding the directions for transmission of the records to the Special Court by 31.12.2020. The Investigating Officer will also make an application before the Special Court on 04.01.2021 regarding the availability of the records in the Special Court and for consideration on the issue of cognizance and all subsequent proceedings. The warrant of arrest so issued on 17.07.2020 is hereby set aside. The learned Special Court will freshly consider the issue and thereafter on its own decide for issuance of process.

With the aforesaid observations the revisional application being CRR 1740 of 2020 is disposed of.

Both the courts are directed to act on the website copy of the order.

(Tirthankar Ghosh, J.)