

02.08.2021

Item no.38

Ct. No.34

CHC

C.R.R. No.472 of 2018
IA NO: CRAN/1/2020 (Old No: CRAN/798/2020)

(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure read with Sections 397 and 401 of the Code of Criminal Procedure.

AND

In the matter of:-

Achewar Nath Shukla
... petitioner

Mr. Kunal Ganguly
...for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De
...for the State

Mr. Debashis Roy, Sr. Advocate
Mr. Sourav Chatterjee,
Mr. Avik Ghatak,
Mr. Apzal Ansari
...for the o.p. no.2

The present revisional application was taken out challenging the order passed by the learned Sessions Judge, Burdwan, in Criminal Misc. Case No.926 of 2016 dated 29.06.2017, thereby directing transfer of Asansol (South) Police Station Case No.82 of 2016 from the court of learned Additional Chief Judicial Magistrate, Asansol to the court of learned Chief Judicial Magistrate, Burdwan, presently Purba Burdwan.

The sessions court apart from considering the issue of “no objection” and “consent” also took into account the fact that the

bail order had to be modified for the accused person and instead of them surrendering before the learned A.C.J.M, Asansol, the accused person had to surrender before the learned C.J.M, Burdwan. Needless to state such an observation of the learned District Judge speaks volumes.

Having regard to the fact that the learned District Judge was in the best position to assess the circumstances regarding the transfer, I do not think that there is any reason to interfere with the order dated 29.06.2017.

Learned C.J.M, Burdwan, presently Purba Burdwan by this date is expected to have in its custody the records of the case, accordingly the learned C.J.M, Burdwan would proceed with the case and take efforts of concluding the same within a reasonable time adhering to the provisions of law.

Accordingly, C.R.R.472 of 2018 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)