

CRR 2199 of 2021
(Via video conference)

In the matter of : Pintu Mondal

.....Petitioner

Mr. Pankaj Sharma
Mr. Uday Sankar Chattopadhyay
Mr. Sayan Chattopadhyay
Mr. Santanu Maji
Mr. Indradip Das ...for the petitioner

Learned Advocate for the petitioner is aggrieved by the manner in which the trial is proceeding before the learned Special Court and as such has taken out the present application for transfer after the learned Sessions Judge, 24-Parganas, South refused to entertain his prayer under Section 408 of the Code of Criminal Procedure.

I have perused the order dated 7.9.2021 passed by the learned Sessions Judge and I do not differ with the conclusion arrived at, in view of the fact that the Ld. Sessions Judge did not have any jurisdiction to transfer any case from the court of the learned Special Judge under the NDPS Act to any court outside its jurisdiction.

Learned advocate for the petitioner is also aggrieved by the conditions imposed while granting bail thereby attempting to impress that the court was already prejudiced and as such the conditions have been imposed which were practically impossible for the petitioner to comply.

The learned advocate submitted that the learned Special Court being aware regarding the Pandemic and courts operating in a staggered manner unnecessarily commented on the conduct

of the present petitioner and as such the petitioner is apprehensive if the trial is conducted in the said court.

I have perused the order passed by the learned Special Court while granting bail and I find that if the petitioner was at all aggrieved by the condition of bail, the proper forum would have been invoking the provision relating to the relaxation of condition of bail. Such ground do not formulate any foundation of transfer of case from one District to another.

Record further reflects that the trial of the case has already advanced and reached at the stage of Section 313 of the Code of Criminal Procedure. Presumably the prosecution witnesses have already been examined. It has also been informed that the next date fixed for hearing before the learned Special Court is on 17th November, 2021. In view of the aforesaid, the learned Special Court after completion of the examination under Section 313 of the Code of Criminal Procedure would grant the accused 60 days' time for adducing defence witness and thereafter, fix the date for final argument of the case. All efforts must be taken by the learned Special Court to pronounce final verdict of this case by 31st March, 2022.

So far as the prayer for transfer is concerned. The same at this stage cannot be entertained as the reasons of apprehension are not of such nature which appeals to this court that any injustice would be done by the Presiding officer.

Accordingly, CRR 2199 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

The learned trial court is directed to adhere to the time limit as stated above.

All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)