

**CRR 1637 of 2020
With
IA No:CRAN/1/2020**

**Partha Sarathi Kar
Vs.
State of West Bengal & Ors.**

In Re: An application under Section 397/401 read with Section 482 of the Code of Criminal Procedure in connection with Criminal Misc. Case No. 1072/2019 passed by the Learned Sessions Judge, Burdwan.

**Mr. Santanu Deb Roy
.....For the Petitioner
Mr. Santanu Chatterjee
.....For the Opposite Party Nos. 2 to 5
Mr. Madhusudan Sur, Ld. A. P. P.
Mr. Dipankar Paramanick
.....For the State**

The petitioner is aggrieved by the order dated 18.12.2019 wherein the learned Sessions Judge, Burdwan has been pleased to transfer Monteswar Police Station Case No. 50/19 dated 21.02.19 from the court of the learned Additional Chief Judicial Magistrate, Kalna to the court of learned Sessions Judge, Burdwan. The reasons which appealed the learned Sessions Court is as follows:

“Since none of the advocates of Kalna Bar Association is willing to appear on behalf of the petitioners, they are completely helpless. He submitted further that the petitioners made prayer before the office bearers of Kalna Bar and also informed all authorities concerned including the Human Rights Commission, but all the prayers have been turned futile. He prayed that in the interest of justice,

the prayer of the petitioners may be allowed otherwise, the petitioners will be prejudiced much.

The learned P.P.-in-Charge for the opposite party-State submitted that it is true that the members of Kalna Bar do not appear to contest any case which has been lodged against any member of that Bar. He fairly submitted that in the interest of administration of fair justice, prayer of the petitioners may be allowed.”

Having regard to the reasons so assigned by the learned Sessions Judge in Criminal Misc. Case No.1072/2019, I do not find any illegality in the same considering the ground reality prevailing in the Bar which has been taken into account by the learned Sessions court.

If the petitioner intends to appear through a learned lawyer before the learned Chief Judicial Magistrate, Burdwan then in terms of Section 205 of the Cr. P. C. the learned Chief Judicial Magistrate, Burdwan would consider the same in accordance with law.

Accordingly, CRR 1637 of 2020 is dismissed and the application being CRAN/1/2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after compliance with all necessary formalities.

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(Tirthankar Ghosh, J.)