

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 672 of 2022

**Sk. Babu @ Babar Ali & Ors.
Vs.
The State of West Bengal**

Mr. Amajit De
Ms. Shakshi Rathi
...for the petitioners

Item No.01

Heard & Judgment on: 12.08.2022

Bibek Chaudhuri, J.

Trial of Sessions Case No.12 of 2017 was taken up by the learned Additional Sessions Judge, Durgapur, Paschim Bardhaman. After examination of 37 witnesses on behalf of the prosecution, the case was fixed for examination of the accused

persons under Sections 313 of the Code of Criminal Procedure. Be it mentioned here that the accused persons were facing custody trial in the aforesaid case. However, before the date of examination of the accused persons under Section 313 of the Code of Criminal Procedure the Presiding Officer of the Second Court of the learned Additional Sessions Judge was transferred sometimes in the month of April, 2021 and since then for about one and half years the said Court remains vacant. The learned Judge, Special Court-cum-Additional Sessions Judge is in-charge of the Court of the learned Second Additional Sessions Judge.

Under such backdrop, the accused /petitioners approached this Court to transfer the trial of the case to some other Court.

Needless to say that after framing of charge, a criminal case cannot be transferred except under administrative order in some extreme exigency to another Court for trial because trial is required to be concluded by the Court that commenced the trial.

Under such circumstances, the matter was brought to the notice of the learned Registrar General, High Court, Calcutta by an order dated 12th July, 2022 with a request to place the matter before the Administrative Side of the High Court for appointment of an officer in the rank of District Judge (Entry Level) in the

Second Court of the learned Additional Sessions Judge. The learned Registrar General submits a report on 18th July, 2022 informing, inter alia, that there was dearth of 17 officers in the cadre of District Judge (Entry Level) and as soon as officers are appointed by direct recruitment or normal promotion, the Court of the learned Second Additional Sessions Judge would be filled up. This Court duly considered the said report submitted by the learned Registrar General on 18th July, 2022 and requested the learned Registrar General-cum-Registrar (Judicial Service) to place the matter in the Administrative Side of the High Court, Calcutta to consider filling up of the vacant post in the Second Court of the Additional District and Sessions Judge, Durgapur within a fortnight and intimate this Court about its result. The learned Registrar (Judicial Service) has submitted a report being RGS-800/2022 dated 29th July, 2022 stating, inter alia, that the said order passed by this Court was laid before the Hon'ble the Chief Justice and the Hon'ble the Chief Justice directed the Registry to place it before the next Transfer Committee meeting vide order dated 3rd August, 2022.

However, till date it is reported that no meeting of the Transfer Committee is convened or held.

This Court is conscious of the fact that custody trial is required to be concluded with utmost expedition. It is an unfortunate picture that the petitioner being an accused is languishing in jail without trial for more than one and half years. Therefore, with utmost displeasure and dissatisfaction this Court directs the learned Judge, Special Court-cum-Additional Sessions Judge who is in-charge of the Second Court of the learned Sessions Judge to conclude the hearing of Sessions Case No.12 of 2017 pending before the learned Additional Sessions Judge, Second Court at Durgapur within a period of one month positively.

The learned advocate for the petitioner is at liberty to communicate this order obtaining server copy of the same to the learned Judge, Special Court-cum-Additional Sessions Judge.

This order is passed under the facts and circumstances of Sessions Case No.12 of 2017 and this order cannot be taken as a precedence.

A copy of this order be sent to the learned Registrar (Judicial Service) requesting her to place the same before the concerned Committee who is responsible for transfer of the Judicial officers in lower judiciary.

The instant revision is, accordingly, disposed of.

(Bibek Chaudhuri, J.)