

14.12.2022

Ct. 30
Sd./11

CRR 719 of 2019

Rafik Uddin Molla vs. State of West Bengal & Ors.

Mr. Subir Ganguly
Mr. Sumanta Ganguly ..For the petitioner.

Mr. Prasun Kumar Dutta
Miss Zareen N. Khan
Md. Kutubuddin ..For the State

The present revisional application is filed praying for transfer of proceedings being GR Case No. 702 of 2011 arising out of Kakdwip PS Case No. 276/11 dated 13.7.2011 for the offence punishable under sections 147/148/149/447/427/435/379/323/325/506 of IPC pending before the Court of Additional Chief Judicial Magistrate, Kakdwip, South 24 Pgs.

The petitioner is the complainant in GR Case No. 702 of 2011 filed against 59 accused persons/opposite parties.

The petitioner's present case before this Court is that he is being continuously threatened by the accused persons and as such, he is unable to attend the trial court. And because of the said fear of life and threat, he has prayed for transfer of the said case from Kakdwip to any other court preferably to the Court of learned Additional Chief Judicial Magistrate, Alipore, South 24 Pgs.

Considering the nature of the case as made out in the revisional application, a report was called for from the concerned PS through the counsel for the State. A report dated 13.12.2022 has been filed today in Court.

Considering the report as submitted by the Inspector-in-Charge of Kakdwip PS, Sundarban Police District, this Court finds that the Inspector-in-charge has categorically reported that-

“In course of enquiry I consulted available PS record and found that no complaint was made by the petitioner at this PS in respect of his threat apprehension. I also contacted with the petitioner who expressed his apprehension though he failed to give any specific information as to the threat apprehension. This refers to Kakdwip PS GDE No. 2018 Dt. 30.11.2022.”

Considered the said report of the Inspector-in-charge and took note of the fact that the accused persons are all residents under Kakdwip PS. The complainant himself was also a resident of Kakdwip which has now been divided and now resides under PS-Harwood Point Coastal which is adjacent to Kakdwip and was once under Kakdwip.

Considering the present situation as seen from the report of the local P.S and the materials on record, the prayer of the petitioner stands rejected.

Accordingly, CRR 719 of 2019 stands dismissed.

There will be no order as to costs.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the learned trial court for information and compliance.

Urgent photostat certified copy of this order be supplied to the parties upon compliance of all formalities.

Parties to act on the basis of server copy downloaded from the Official Website of the Hon'ble Court.

(Shampa Dutt (Paul), J.)