

D/L49
21.11.2022
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C.R.R. No.2051 of 2021

In Re: An application under Section 482 read with Section 407 of the
Code of Criminal Procedure;

Dr. Sukumar MK Ghosh
Versus
The State of West Bengal and another

Mr. Raja Biswas,
Mr. Abhijit Sarkar.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Report submitted by the State be kept with the record.

The petitioner has prayed for transfer of the case from
the learned Judicial Magistrate, 1st Court, Chanchal , Malda to any
court within the jurisdiction of ACJM, Alipurduar.

Learned advocate has submitted that the petitioner is an
aged and handicapped person suffering from various ailments
which is the sole cause praying for transfer of the proceedings.

Mr. Arijit Ganguly, learned advocate, appears on behalf
of the State and submits that the investigation of the case has been
concluded and the date for consideration of charges are being
postponed at the instance of the accused person which is pending
since 2018 and the next date has been fixed in the year 2023.

I have considered the nature of the allegations as also the
fact that seven witnesses so cited in the charge-sheet all of them
belong to Harischandrapur. Having regard to the fact that for a
single individual the whole system is being jeopardized, I am of the

opinion that no case has been made out for transfer of the proceedings from Harishchandrapur, Malda to any court of learned ACJM, Alipurduar. Accordingly, no interference is called for.

Thus, CRR 2051 of 2021 is disposed of.

The petitioner would be at liberty to pray for exemption, if so advised, before the jurisdictional court with proper undertakings.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)