

01.04.2022
S.D.
16.

**C.R.R. 2862 of 2015
(Via Video Conference)**

In the matter of: Sailen Sardar

.....Petitioner.

Mr. Pravas Bhattacharya
Mr. Pratick Bose

.....For the State.

The revisional application is fixed up today for hearing.

None appears on behalf of the petitioner. Mr. Pravas Bhattacharya and Mr. Pratick Bose, learned advocates appear for the State. The appointments of the State advocates may be regularized by the concerned authority.

Heard learned advocate for the State. It is submitted that there is no merit in the revisional application as only on the basis of apprehension, the petitioner filed the application for transfer of a case from one Court to another. It is further submitted that after passage of several years, the case may have been disposed of as there was no interim order.

Perused the application filed by the petitioner under Section 407 of the Cr.P.C. praying for transfer of Sessions Trial Case No. 39(1)12 under Sections 147/148/149/302/506/120B of the IPC and Section 25/27 of the Arms Act and Section 9B of Indian Explosive Act from the Court of 13th Additional Sessions Judge, Alipore to any other Court.

By his application, the petitioner has challenged the order dated 5.8.2015 passed by learned Sessions Judge, Alipore in Criminal Motion No. 319 of 2015. It appears from the impugned order that the petitioner filed an application under Section 409(2) of the Cr.P.C. and prayed for transfer of Baruipur Police Station Case No. 936 dated 5.9.2011 from the 13th Court of Additional District and Sessions Judge, Alipore to any other Court on the ground that charge was not framed in the case and the accused persons were apprehensive that free and fair trial would not take place. While disposing of the application, learned Sessions Judge observed that out of 37 accused persons, 36 accused were present and warrant was issued in respect of the another accused person. It was further observed that there was no reason for apprehension that free and fair trial would not take place and that such fear was vague and unfounded for which the application was rejected.

The impugned order was passed in the year 2015. Thereafter 7 years have passed and several officers have been posted and transferred from the Court where the case was pending. At the time of filing the application one accused person was absconding and no order of transfer could be passed without filing the case against him. The petitioner on the surmise and apprehension sought for transfer of a case which is not acceptable.

Due to such changed of circumstances, the ground stated in the application are not tenable. It is also possible by that after such length

of time, the case has been disposed of. I find no illegality in the impugned order and no satisfactory ground for transfer of the case.

In view of my above discussion, I find no merit in the revisional application and the same is dismissed on its merit.

Let a copy of this order be communicated to learned Sessions Judge, Alipore, South 24 Parganas and to learned Additional District Judge, 13th Court, Alipore for information

(Ananda Kumar Mukherjee, J.)