

10.03.2022
S/L No.11
KS

C.R.R. 3089 of 2014
Jayashree Midya & Anr.
-Vs.-
The State of West Bengal & Anr.

Mr. Binay Panda
Ms. Puspita Saha

.....For the State

The revisional application is listed today for hearing.

None appears for the petitioners.

Mr. Binay Panda and Ms. Puspita Saha, learned advocates appeared for the State. Their appointment may be regularized by the concerned authority.

Perused the application under Section 407 of the Code of Criminal Procedure wherein the petitioners have prayed for transfer of Kakdwip Police Station Case No.136/13 dated 03.04.2013 from the Court of Learned Additional Chief Judicial Magistrate, Kakdwip to the Court of Learned Additional Chief Judicial Magistrate at Baruipur on the ground that petitioners filed an application under Section 408 of the Code of Criminal Procedure giving rise to Criminal Miscellaneous Case No.1596 of

2014 before Learned Sessions Judge, South 24 Parganas at Alipore praying for transfer of Kakdwip Police Station Case No.136 dated 03.04.2013 from Kakdwip to any other Court for fair trial and ends of justice. The said application was rejected by Learned Sessions Judge by order dated 21.07.2014. The petitioners thereafter have approached this Court on the ground that the petitioners are being obstructed in the premises of Kakdwip Court by the colleagues of the complainant/husband, stopping them from taking steps and there is every apprehension that they will not get proper guidance from the Court as the husband of the de facto complainant is a senior advocate of Kakdwip Court.

Having considered the contention raised in the petition, I am of the view that one of the parties to a case being closely related to an advocate of the Court cannot be a ground for transferring a case from the Court having jurisdiction over the matter.

I do not find any illegality in the order passed by Learned Sessions Judge, the revisional application is therefore, dismissed.

Let a copy of this order be communicated to the Court of the Sessions Judge, South 24 Parganas, Alipore as well as Learned Additional Chief Judicial Magistrate, Kakdwip for information.

(Ananda Kumar Mukherjee, J.)