

09.09.2022

Item No.10

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 52 of 2021

**Sourav Ghosh
versus
Rejaul Karim & Ors.**

In Re: An Application under Section 407 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Jaydeep Kanta Bhowmik ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Arun Kumar Sarkar ... For the State.

An application was preferred before this Court under Section 407 of the Code of Criminal Procedure for transferring the case from the court of learned Additional Chief Judicial Magistrate, Mekhliganj to the court of learned Chief Judicial Magistrate, Jalpaiguri.

The main contention of the petitioner before this Court is that there is apprehension if the petitioner enters the jurisdiction of Mekhliganj Police Station, he may be physically harmed and there is every possibility of untoward incident happening which could involve his life and liberty. Apprehension obviously is an expectation of a person on the basis of his foundation of previous experience and ground reality which can neither be proved nor be ruled out. However, so far as the case is concerned, I find that the investigation is concluded and charge-sheet being submitted wherein majority of the witnesses are within the jurisdiction

of the said police station or are associated within the jurisdiction of the court presiding over the matter.

Accordingly, I am of the opinion that transfer of the case may harm the progress of the case. Thus, for the ends of justice, I direct that on the date so fixed by the learned Additional Chief Judicial Magistrate, Mekhliganj for the purposes of Mekhliganj Police Station Case No. 19 of 2020 dated 21.01.2020 (G.R. Case No. 26 of 2020) when the petitioner enters the jurisdiction, he would inform the Officer-in-Charge, Mekhliganj Police Station on a prior date. The Officer-in-Charge would take proper steps for the protection of the present petitioner in case, he has any information that there is any possibility of untoward incident happening when the petitioner attends the court for the purpose of his litigation.

With the aforesaid observations, the revisional application being CRR 52 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)