

12.09.2022

Item No.60

Ct.No.2

dc.

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

C.R.R. 201 of 2022

**Debanjan Chakraborty
versus
The State of West Bengal & Anr.**

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

Mr. Anirban Banerjee ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas ... For the State.

Mr. Banerjee, learned advocate appearing for the petitioner prays for transfer of the proceedings arising out of Siliguri Police Station Case No. 658 of 2022 dated 07.07.2022 under Sections 306/34 of the Indian Penal Code from the court of the learned Additional Chief Judicial Magistrate, Siliguri to any other court in the district of Darjeeling.

Earlier by an order dated 06.09.2022, learned advocate appearing for the State was directed to submit a report of the learned public prosecutor appearing in the court of the learned Additional Chief Judicial Magistrate, Siliguri for clarification regarding non-participation of the advocates in this case.

Report has been submitted along with the enclosed order. Let a copy of the said report dated 08.09.2022 be kept on record.

The enclosed order dated 26.08.2022 reflects that the petitioner was represented through a lawyer and his application for bail was considered and rejected by the learned Additional Chief Judicial Magistrate, Siliguri.

In view of the tenor of the contentions that no learned advocate is allowed to appear, I am of the opinion that the said contention is not substantiated in view of the report submitted by the learned public prosecutor before this Court. Accordingly, prayer for transfer is refused.

The revisional application being CRR 201 of 2022 is, thus, dismissed.

The petitioner would be at liberty to agitate such point, in case there is change of circumstances and there are proper circumstances available.

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.)