

Item-35. 22-11-2023

sg Ct. 35

WPA 1971 of 2019

Nazrul Islam Dafadar

Versus

State of West Bengal & Ors.

Mr. Debashis Banerjee, Adv.

Mr. Rakesh Jana, Adv.

...for the petitioner

Ms. Chndreyi Alam, Adv.

Ms. Runu Mukherjee, Adv.

...for the Union of India

Mr. Sirsanya Bandyopadhyaya, Adv.

Mr. Subhendu Sen Gupta, Adv.

...for the State

1. The petitioner is aggrieved with the order of the Additional Chief Judicial Magistrate at Basirhat, North 24 Parganas transferring the GR Case No. 2378/13 to the Security Force Court of BSF under Section 80 of the BSF Act. The petitioner says that since after transfer of the case in the manner as mentioned above, the petitioner is not informed about the further developments and thus he is unaware of the fate of the criminal case lodged by him, for commission of offence against him.
2. The grievance of the petitioner relates to an incident dated 9th June, 2013, following which the petitioner has lodged an FIR being Swarupnagar Police Station Case No.352/13 dated 09-06-2013 under Section 325 of Indian Penal Code. After completion of investigation in the case, police has submitted charge-sheet on 13-03-2015. When the matter was pending before the Additional Chief Judicial Magistrate at Basirhat, the BSF authorities made prayer before the Magistrate on 12-08-2017 for transfer of the case for trial to the Security Force Court of BSF, in terms of provisions under Section 80 of the BSF Act. Conceding to the prayer, the GR Case 2378/2013

was transferred by dint of order of the Court.

3. Ms. Chandreyi Alam, learned Advocate appearing for the respondent nos. 4 and 5, submits with reference to the record of the trial before the Security Force Court of BSF, that the trial has already been concluded and resulted into acquittal of the accused persons i.e. the respondent no.6 in this writ petition.
4. The submission of the petitioner regarding lack of knowledge of the fate of the trial has also been disputed on the basis of the records as above, as the same has shown that the petitioner has attended the trial and also has been examined as PW-2 in the trial. There is no serious objection on part of the petitioner as regards the facts revealed from the record, as above.
5. Under such circumstances, let this writ petition be disposed of as infructuous.
6. However, let there be liberty granted to the petitioner to espouse his other grievance, if any, before the appropriate forum, if so advised. The writ petition is disposed of.
7. Let the photocopy of the record of the proceeding before the Security Force Court at BSF, submitted by Ms. Alam today in Court, be kept with the record.
8. Mr. Debashis Banerjee, learned Counsel for the petitioner seeks to obtain copies of the same, which may be provided to Mr. Banerjee pursuant to compliance with the usual formalities.

(Rai Chattopadhyay, J.)