

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 598 of 2022

**Sk. Nurul Islam
Vs.
The State of West Bengal & Ors.**

Mr. Biswajit Manna
..for the petitioner

Mr. Kalyan Kumar Chakraborty
Mr. K. Bhattacharya
..for the Private Opposite Party

Mr. Madhusudan Sur, APP
Mr. Dipankar Paramanick
..for the State

Item No. 341

Heard & Judgment on: 03.04.2023

Bibek Chaudhuri, J.

The petitioner is the de facto complainant in connection with Jangipur Police Station Case No. 215 of 2016 dated 1st August, 2016. It is submitted on behalf of the petitioner that on 1st August, 2015 he

filed a written complaint before the Officer-in-charge of the concerned P.S. On the basis of which the FIR Case No. 215 of 2016 dated 1st August, 2016 under Sections 341/325/307/34 of the Indian Penal Code was registered. It is the further case of the de facto complainant that within four days of filing of the said complaint the Investigating Officer submitted charge sheet against four accused persons under Sections 341/325/34 of the Indian Penal Code deleting the charge under Section 307 of the Indian Penal Code. The petitioner filed a 'narazi' petition against the investigation and submission of charge before the learned Additional Chief Judicial Magistrate at Serampore. 'Narazi' petition was allowed. Police authority was directed further to carry investigation and subsequently charge sheet was filed under Section 307 of the Indian Penal Code.

In view of submission of charge sheet under Section 307 of the Indian Penal Code the de facto complainant/petitioner filed an application under Section 437(5) of the Code of Criminal Procedure for cancellation of bail granted to the accuse persons. On the basis of previous charge sheet under Section 325 of the Indian Penal Code the said petition was allowed. On the same day an application under Section 439 of the Code of Criminal Procedure was filed before the learned Additional Sessions Judge at Serampore and within very short

period of time bail was granted to the accused persons as the learned P.P. did not raise any objection against the prayer for bail.

It is submitted by the petitioner that one Mr. Mohanlal Naru was conducting advocate of the accused persons. In support of his contention the learned advocate for the petitioner has filed the certified copy of the Vokatnama. On perusal of which it is found that the said Mr. Mohanlal Naru was appointed as the advocate on behalf of the accused persons/opposite parties.

It is further contended on behalf of the petitioner that the said Mohanlal Naru has become the Chief Public Prosecutor attached to the Serampore Sub-Divisional Court. Even if the said learned advocate has been appointed as the Chief Public Prosecutor at Serampore Court, he is practically conducting Jangipur P.S. Case No. 215 of 2016 corresponding to Sessions Case No. 9 of 2022. In such a manner which may provide for an advantageous situation for the accused persons. It is the grievance of the petitioner that the learned P.P. is not working for the prosecution but for the accused persons.

I have carefully heard Mr. Manna, learned advocate for the petitioner as well as Mr. Sur, learned P.P.-in-charge. On perusal of the certified copy of the Vokatnama it is frankly submitted by Mr. Sur with all his fairness that the Chief Public Prosecutor previously

appeared and represented the accused persons. This is a fit case for transfer.

In view of such circumstances, the instant revisional application is disposed of transferring the Sessions Case No.9 of 2022 to the Court of the learned Sessions Judge at Chinsura, Hooghly. The learned Additional Sessions Judge, Serampore is directed to send the record of Sessions Case No. 9 of 2022 to the Court of the learned Sessions Judge, Chinsurah at Hooghly for trial and disposal.

The learned Public Prosecutor attached to the learned P.P., Sessions Judge at Hooghly, Chinsurah shall conduct the prosecution of Sessions Case No. 9 of 2022.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)