

12.04.2023
Court- 42
Item-02

CRR/701/2023

Milan Ghosh
-Vs-
The State of West Bengal & Anr.

For the petitioner:	Mr. Sandipan Ganguly, Adv., Mr. Arkadeb Bhattacharjee, Adv.
For the State:	Mr. Sudip Ghosh, Adv., Mr. Bitasok Banerjee, Adv.

This is an application for transfer of Criminal Misappropriation Case No.03 of 2019 under Sections 409/34 of the IPC presently pending before the learned Judge, Special Court, 1st Court, Malda to any other court of competent jurisdiction in the district of Malda or any other district near Malda.

The petitioner has raised an allegation of patent bias against the learned trial judge. In order to examine the veracity of the averment made in the instant revision this Court obtains a report of the learned trial judge through the learned Registrar (Judicial Service). I have carefully perused the said report.

On perusal of the report it is ascertained that the learned trial judge initially misconception regarding compliance of the direction passed by this Court directing the accused to deposit certain amount of money in the trial court which would be kept in fixed deposit. The learned trial judge was at a loss in whose name the fixed deposit would be opened. Therefore, she initially could not accept the said money. Subsequently, it was accepted.

On careful perusal of the report submitted by the learned trial judge and the manner in which she is dealing with the trial of the case, I do not find any ground to hold that the learned trial judge had specifically biased against the accused/petitioner.

On the other hand, it is ascertained from the report submitted by the learned trial judge that one Debanjan Dutta, Advocate represents the accused/petitioner. On 3rd March, 2023 and 4th March, 2023 he dared to enter into the chamber of the learned trial judge. He also abused her in filthy language, threatened her saying that they would boycott her court for an indefinite period. He also filed 10/12 cases against the learned trial judge and other judicial officers before different Benches of this Court.

The above incident referred to by the learned trial judge is not only unfortunate but can never be spared. The learned trial judge is directed to conduct the trial of the cases without fear and favour and if any recurrence of such incident takes place she is at liberty to mention the matter to this Court through the Registrar (Judicial Service) for taking appropriate action both in judicial and administrative side.

Since I do not find any merit in the instant revision, the same is dismissed.

(Bibek Chaudhuri, J.)