

24.08.2023
Serial no. 65
[G.S.D]

CRR 789 of 2022

With
CRAN 1 of 2023

In the matter of : Ramesh Chandra Wadhera @ Ramesh Kumar Wadhera

... .. Petitioner

Mr. Karan Dudhwewala

... For the Petitioner

Mr. Kallol Kr. Basu
Mr. Subrata Santra

... For the CBI

The revisional application was preferred for transfer of SPL Case No. 1 of 2005 corresponding to RC0102005A0045. The said case is pending before the Learned CJM, Balurghat.

Learned Advocate submits that the case was initiated before the Learned Special Court at Siliguri. After the public servants were discharged, the matter was remitted to the Learned CJM, Balurghat, wherein the present petitioner happens to be the accused.

Learned Advocate submits that the case was instituted in the year 2005 and for more than 18 years, the same is pending.

Additionally, it has been submitted that for the last two years, none of the witnesses have also appeared before the Court concerned.

Learned Advocate for the petitioner submits that the Court at Balurghat is so inconveniently situated that neither the witness nor it is convenient for the petitioner, who is staying at Delhi, to attend the Court. The petitioner, at present, is aged about 68 years.

I have considered the submissions of the Learned Advocate appearing for the petitioner and I am of the view that mere inconvenience in attending the Court proceedings, cannot be a ground for transfer of the proceedings.

The genesis of the case as is reflected from the records was in the Hilly area, which is within the jurisdiction of the said district.

Regard being had to the observations, I am of the view that no case has been made out for transfer of the instant case.

It has also been pointed that a revisional application in respect of the public servant who have been discharged from the instant case, are still pending before the Hon'ble High Court, Calcutta. If the outcome of the said case is in favour of CBI, then in future, the Special Court at Siliguri, will get the jurisdiction over the instant case. The same is a

future event but, for the present, no case has been made out to be interfered with by this Court in this matter.

With the aforesaid observations, CRR 789 of 2022 is dismissed.

CRAN 1 of 2023 is disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)