

10-01-2023
Subha
Item no.17
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 609 of 2021

Deepjyoti Banerjee.
-versus-
The State of West Bengal & Anr.

Re : An application under Section 407 read with S.482 of the Code of Criminal Procedure.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

.....for the petitioner.

Ms. Sreeparna Das
Ms. Zareen N. Khan

.....for the State.

The present petitioner is apprehensive in respect of his proceedings pending before the learned Metropolitan Magistrate, 17th Court, Calcutta.

The main thrust of contention of the petitioner is that as the accused person happens to be a lawyer of the local Bar, circumstances are created so that the present petitioner being the de facto complainant cannot participate in the litigation.

Mr. Gupta, learned advocate appearing for the petitioner submits that the accused and his associates prevented the petitioner from participating while anticipatory bail application was heard by the learned Judge, City Sessions Court.

Learned advocate has also submitted that the accused being an advocate is taking advantage in the police station also and the petitioner has to fight the odds being deprived as during the pandemic his house was illegally taken over.

I have considered the submissions made by Mr. Gupta, learned advocate, but in my opinion no case for transfer has been made out. If the member of a local Bar being a litigant is an impediment for a case to continue before the jurisdictional court, then it would be the failure of the administration of justice when a lawyer allegedly becomes an accused.

The learned Metropolitan Magistrate, 17th Court, Calcutta is directed that in case an application under Section 173(8) of the Code is filed before the said court, it will decide the same in accordance with law.

In case there is any impediment created by a person or a group of persons in cluster whether they happen to be the advocate or the members of the Bar, I direct that the petitioner would make a complaint to the Jorabagan Police Station who in turn would inform the learned Magistrate. The learned Magistrate in case he finds that there are truth and substance in the application made by the petitioner, he would, if required, cancel the bail of the accused and proceed with the trial of the case.

With the aforesaid observations, the present revisional application being CRR **609 of 2021** is **disposed of**.

. Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

