

Form J(1)

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

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

CRR 871 of 2023

**Jane Alam Sk. @ Jonai & Ors.
Vs.
State of West Bengal & Anr.**

**For the petitioner : Mr. Uday Sankar Chattapadhyay,
Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Ms. Ashadeep Karmakar**

Judgement on : 12.05.2023.

Bibek Chaudhuri, J.

The petitioners have approached this Court assailing an order dated 28th February, 2023 on the ground that over a same incident between two groups of parties a case and counter-case were registered. Police submitted charge-sheet in both the cases. In one case charge-sheet has been filed under Section 302 and other provisions and in another case charge-sheet has been filed under Section 307 with other penal provisions. The petitioners wanted both the cases to be tried simultaneously by the same and identical Court. The learned Additional Sessions Judge, 5th Court at Burdwan rejected the said prayer vide order dated 28th February, 2023 which compelled the petitioners to approach this Court.

This Court is of the view that the instant revision can be disposed of here and now with the assistance of an Advocate on behalf of the State of West Bengal.

Mr. Antarikshya Basu is requested to assist this Court on behalf of the respondent/State of West Bengal. Appointment of Mr. Basu be regularized by the learned Public Prosecutor. The learned Advocate for the petitioners is directed to serve a copy of the application to Mr. Basu, learned Advocate.

Having heard the learned Counsels for the parties this Court is of the view that for proper adjudication of the case both the cases instituted by the respective groups should be tried by one and the same Court simultaneously. In view of such observation made hereinabove, impugned order dated 28th February, 2023 passed by the learned Additional Sessions Judge, 5th Court at Burdwan in Sessions Case NO. 140/2022 is set aside. The learned Sessions Judge is directed to transfer GR Case No. 1835/2020 arising out of Aushgram Police Station Case No. 137/2020 dated 10th June, 2020 under Sections 341/326/307/34 of the Indian Penal Code be transferred to the Court where Sessions Case No. 140/2022 has been transferred.

With the above direction, the instant revision is disposed of.

The petitioners are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)