

D/L5
20.11.2023
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C.R.R.924 of 2023

In Re: An application under Section 407 of the Code of Criminal
Procedure, 1973;

Rabab Hussain
Versus
The State of West Bengal and others

Mr. S. Bose
Mr. P.B. Mallick.
...for the petitioner.

Mr. Anwar Hossain
Ms. Manisha Sharma.
...for the State.

Ms. Monoti Gomes
Mr. Asif Dewan.
...for the opposite party nos.2 to 4.

The present revisional application has been preferred at the instance of one Rabab Hussain, who happens to be the de facto complainant in connection with Beniapukur Police Station Case No.138 dated 25.04.2018 which was registered for investigation under Sections 498A/406/307/328/34 of the Indian Penal Code read with Sections 3 and 4 of the D.P.Act. The Investigating Agency on conclusion of investigation submitted charge-sheet and the case was committed to the court of sessions. The de facto complainant is apprehensive regarding the progress of the trial before the learned Additional Sessions Judge, 1st Court, Sealdah, 24 Parganas (South) so far as the Sessions Case No.11(06)/2022 is concerned which is the number in connection with the above police station case. The foundation of such apprehension is that the father-in-law and the

husband happen to be the regular practitioners of the court at Sealdah.

Ms. Gomes, learned advocate appearing for the opposite party nos.2 to 4 opposes such contentions and submits that barely the lawyers being litigant to a particular lis do not make out a foundation for transfer of a criminal case.

Earlier, a report was called for regarding the list of witnesses and their residential addresses.

Report so submitted be kept with the record.

Having considered the totality of the circumstances and the fact that the de facto complainant feels that, because of the father-in-law and the husband being regular practitioners, she may not get proper ambience for justice being delivered within the jurisdiction of the court at Sealdah and there would hardly be any difficulty being faced by the witnesses if the witnesses are directed to appear in any nearby court, I am of the view that for better interest of justice Sessions Court No.11(06)/2022 arising out of Beniapukur Police Station Case No.138 dated 25.04.2018 and G.R. Case No.1085 of 2018 be transferred to the court of learned Chief Judge, City Sessions Court, Calcutta. The learned Chief Judge would either try himself or delegate the sessions trial to any court within his jurisdiction which he deems fit and proper.

With the aforesaid observations, CRR 924 of 2023 is disposed of.

Learned Additional Sessions Judge, 1st Court, Sealdah is directed to immediately transmit the records to the learned Chief

Judge, City Sessions Court, Calcutta preferably within a week from the date of this order.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)