

22-02-2023
Subha
Item no. 30
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 821 of 2021

Nilmani Bhattacharyya @ Nilmony Bhattacharyya
-versus-
The State of West Bengal & Anr.

Mr. Atis Kumar Biswas
Mr. Prosenjit De
Mr. Amit Singh
Ms. Jyoti Agarwal

...for the petitioner.

Mr. S. G. Mukherji, ld. PP,
Mr. Saryati Datta

.....for the State.

Mr. Saryati Datta, learned advocate appearing on behalf of the State submits report prepared by the Inspector-in-Charge, Chinsurah Police Station, Chandannagar Police Commissionerate which reflects that Chinsurah Police Case No. 366 of 2013 dated 18.11.2013 is pending before the learned Additional District and Sessions Judge, 1st court, Hooghly and the next date has been fixed on 15.03.2023 for evidence.

Mr. Biswas, learned advocate appearing for the petitioner ha prayed for transfer of the case. It has been submitted by the learned advocate for the State that majority of the witnesses belong to the District of Hooghly.

The nature of the offences complained of are identical in nature.

Having considered the contentions advanced by the petitioner as well as the State, I direct that the records of Bolpur P. S. Case No. 383 of 2015 dated 08.09.2015 arising out of G. R. Case No. 842 of 2015 and pending before the learned Judicial Magistrate, 1st Court, Bolpur, Birbhum be transferred to the court of learned Additional District & Sessions Judge, 1st Court, Hooghly.

Although the offences are magistrate triable but having regard to the nature of offences being identical, the sections are not given priority at this stage. The learned Additional District & Sessions Judge, 1st Court, Hooghly will assess after the records are received by the said court regarding the applicability of the charges and proceed with the case in accordance with law.

All steps must be taken for immediate transfer of the case record of Bolpur P. S. Case No. 383 of 2015 dated 08.09.2015. The learned Additional District and Sessions Judge, 1st Court, Hooghly would frame charge afresh and proceed with the trial of the case.

With the aforesaid observations, the revisional application being CRR 821 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Mr. Saryati Datta, learned advocate appearing for the State is directed to communicate with the Inspector-in-Charge, Bolpur Police Station who would communicate with the Public Prosecutor appearing in the case at Bolpur for bringing the present order to the notice of the learned Judicial Magistrate, 1st court, Bolpur. Once such an order is received, the learned Magistrate will proceed in terms of the directions stated above.

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]