

20.09.2023

Item No.77

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1117 of 2023

In the matter of : **Samser Mallick alias
Shamsher Mallick & Ors.** ... Petitioners.

Mr. Syed Nasim Aejaaz,
Md. Ejaz Akhter ... For the Petitioners.

The petitioners have prayed for transfer of the proceedings. The grounds so assigned in the application under Section 407 of the Code of Criminal Procedure are that the petitioners are being threatened and their houses were ransacked as some of the petitioners are staying at Mumbai and some of them are staying at Rajarhat, Kolkata. The petitioners have prayed for transfer of Mangalkote Police Station Case No. 264 of 2022 dated 28.08.2022 from the court of the learned Judicial Magistrate, 3rd Court, Katwa, Purba Bardhaman to any other court particularly, within the jurisdiction of learned Chief Metropolitan Magistrate, Calcutta.

Having regard to the letter which has been made the foundation of the case for transfer, I am not inspired to take the same on face value for a case which has rightfully been instituted and continued at a particular jurisdiction. The petitioners claim that they may be harassed at the place concerned. If such a situation arises, the petitioners would take out an application before the learned Additional Chief Judicial Magistrate, Katwa. The learned Additional Chief Judicial Magistrate, Katwa would direct the Inspector-in-

Charge of the concerned police station to give protection to the petitioners at the time of their entry and exit from Katwa or within the jurisdiction of Mangalkote as the learned court deems fit and proper. However, the learned trial court would ensure regarding the petitioners' protection from any threat perception when they participate in connection with the instant proceedings. So far as the prayer for transfer is concerned, the same is refused.

With the aforesaid observations, the revisional application being CRR 1117 of 2023 is disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)