

CRR 1211 of 2019

**Chanchal Sharma
Vs.
State of West Bengal & Ors.**

Mr. Pawan Kr. Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
... for the State

The present revisional application has been preferred praying for transfer of the G.R. No. 3861/18, pending before the learned Chief Judicial Magistrate, Howrah to the Court of learned District and Sessions Judge or before the learned Special Judge, Howrah.

The present case is in respect of a proceeding in Belur P.S. FIR No. 102 of 2018 dated 18.07.2018 under Sections 376/417/420 of the Indian Penal Code and FIR No. 122 of 2018 dated 30.08.2018 for the offence punishable under Sections 204/347/354/354B/455/406/506/34 of the Indian Penal Code.

Belur P.S. Case being FIR No. 102 of 2018 is for the offence punishable under Section 376 amongst other sections. The said offence is exclusively triable by the Court of Sessions. Thus, if the charge-sheet is submitted in respect of a Sessions triable case the case is committed to the Court of the learned Sessions Judge by the learned Chief Judicial Magistrate in due course.

As such, till the submission of the charge-sheet, the case file remains in the exclusive domain of the learned Chief Judicial

Magistrate. In case of any such materials on record being overlooked, the matter can be agitated also at the time of framing of charge.

In the present revision, the relief prayed for has already been granted in CRR 2151 of 2021 by a Coordinate Bench of this Court.

Accordingly, the present revision being not maintainable in view of discussion made earlier in this order, stands dismissed being not maintainable.

All connected applications, if any, stands disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Learned counsel for the State to inform the status of this case to the concerned authority.

(Shampa Dutt (Paul), J.)