

M/L741
21.08.2023
Bpg.

C.R.R.1920 of 2023

In Re: An application under Section 407 read with Section 482 of the
Code of Criminal Procedure, 1973;

Chandra Mani Shukla
Versus
The State of West Bengal and others

Mr. Gunjan Kumar Singh.
...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Paramanick.
...for the State.

Report so submitted by the State be kept with the record.

Learned advocate for the petitioner prays for transfer of
the case being SC Case No.46 of 2021 pending before the learned
Additional District and Sessions Judge, 2nd Court, Barrackpore
under Sections 302/34/120B of the Indian Penal Code and
Sections 25/27 of the Arms Act to the learned City Sessions Court,
Calcutta.

Petitioner is the de facto complainant and father of the
victim.

Learned advocate submits that charge-sheet has already
been submitted before the jurisdictional court and supplementary
charge-sheet is yet to be filed. According to the petitioner, the
investigation of the case is still in progress and till date, charge has
not been framed.

The prayer in this case is for transfer of case from the
court of the learned Additional District and Sessions Judge, 2nd

Court, Barrackpore to the City Sessions Court, Calcutta. Since the submission of the learned advocate is that investigation of the case is being carried out by the CID, West Bengal, as such, I am of the opinion that the prayer so advanced is premature. Petitioner would be at liberty to approach this Court at the stage of consideration of charges, after the investigation is concluded and the learned trial court is of the opinion that the trial of the case should commence. At this stage when there is no scope for the witness to appear before the court for evidence, I am of the opinion that the transfer at this stage is uncalled for. The CID is investigating the case. They would submit the report before the learned trial court immediately on the next date opining as to whether the trial can commence without the supplementary charge-sheet being filed before the learned trial court. If there are circumstances thereafter petitioner would be at liberty to approach this Court with similar prayer. No interference is made at this stage with regard to the prayer so advanced.

With the aforesaid observations, CRR 1920 of 2023 is disposed of.

Pending 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.)

