

D/L15
19.12.2023
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C.R.R.1976 of 2023

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

Bishal Das and others
Versus
The State of West Bengal

Mr. Debottam Das.
...for the petitioners.

Mr. Ranabir Roy Chowdhury
Ms. Anasuya Sinha.
...for the State.

Report submitted by Mr. Ranabir Roy Chowdhury,
learned advocate appearing for the State be kept with the record.

Report reflects that the evidence of 34 witnesses have
been concluded and the next date has been fixed on 15th January,
2024.

Learned advocate appearing for the petitioners prayed for
transfer of the proceedings on number of issues which included
issue relating to admissibility of the evidence in wrong manner and
an accused being declared as approver at the time when the
investigation has already concluded without any pardon being
granted to the accused concerned. The manner in which the
deposition of the said approver was recorded was also opposed,
including the fact that the petitioners had to face the hurdle on
each and every day in respect of the objections which they filed
relating to the documentary evidence and/or the oral evidence

which were being either marked as exhibits or were allowed to be recorded in course of the trial. According to the learned advocate appearing for the petitioners, the petitioners have throughout the trial been seriously prejudiced because of manner of recording of the evidence deterring the defence lawyers from rendering their objection and the strategic manner in which subsequent to the same documents were marked and admitted although they were inadmissible evidence.

I have considered the submissions of the learned advocate appearing for the petitioners and I am of the view that if there is any grievance relating to the judicial process and the manner in which it has been exercised it is for the higher forum to decide and the grievance to be addressed, the same cannot be a reason for transfer of proceeding as it is presumed that a Judicial Officer has no animosity in respect of an individual for whom the trial is conducted.

Having considered the same, I am not inclined to transfer the proceedings in respect of Sessions Trial No.1(9)/2021 (SC 31 of 2021) presently pending before the learned Additional Sessions Judge, Fast Track, 1st Court, Hooghly Sadar. However, if the petitioners address the learned trial court at the final arguments in respect of the provisions of Sections 306/307/308 of the Code of Criminal Procedure, the learned trial court would decide the same as to whether the manner in which the approver was declared or pardon was granted whether the same was in accordance with law.

As the trial of the case is at the fag end, learned trial

court would try to conclude the examination under Section 313 of Cr.P.C. within a week from 15th January, 2024. The defence be afforded an opportunity to adduce their evidence at a regular intervals as the learned trial court deems fit and proper and thereafter the learned trial court would at the earliest pronounce the judgment/final verdict of the case.

With the aforesaid observations, CRR 1976 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 of all requisite formalities.

(Tirthankar Ghosh, J.)