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C.R.R. No.1801 of 2021

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

Lipika Bhattacharya
Versus
State of West Bengal and others

Mr. Satadru Lahiri.
...for the petitioner.

Mr. Indradip Das,
Mr. Pritam Majumder.
...for the opposite party nos.2 and 3.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Mr. Bitasok Banerjee.
...for the State.

The petitioner being the complainant prays for transfer of the case from the jurisdictional court at Serampore to that within the jurisdiction of the learned Chief Judicial Magistrate, Alipore. Complainant/petitioner submits that the complainant and most of the witnesses cited by the Investigating Agency are available within the territorial jurisdiction of the learned Sessions Judge, Alipore and being ill-advised, the complainant invoked the territorial jurisdiction of the learned ACJM, Serampore.

It has also been submitted that the accused persons are influential and have threatened the complainant and it may not be possible for the complainant to pursue the litigation before the court at Serampore. According to the learned advocate, the provisions of Section 407 of the Code of Criminal Procedure should

be invoked in this case as the same provides for circumstances of convenience of the complainant and the witnesses and the conduct of the accused persons also calls for interference by this Court.

Learned advocate appearing for the opposite party nos.2 and 3 opposes such contention of the petitioner and also submits that if the jurisdiction has been rightly invoked, there should not be any transfer on mere asking of the complainant/petitioner. Learned advocate also submits that two of the directors who have been implicated in this case are suffering from ailments because of their age.

Mr. Ganguly, learned advocate appearing on behalf of the State leaves it to the discretion of the Court.

I have considered the submissions of the rival parties and I am of the opinion that the stage has not reached for transfer the case from the jurisdictional court at Serampore to that within the jurisdiction of the learned Chief Judicial Magistrate, Alipore.

Petitioner has expressed her apprehension in respect of threat, which was also informed to the local police authorities. In case the highhandedness of the accused persons continue, it is directed that the police authorities would render appropriate assistance to the complainant and the witnesses. No interference in respect of transfer is made at this stage.

With the aforesaid observations, CRR 1801 of 2021 is 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.)