

15.12.2023
Court No.13
Item No.6
AP

CRR 2987 of 2022

**Central Bureau of Investigation
Vs.
State of West Bengal and Ors.**

Mr. Dhiraj Trivedi
Mr. Shailendra Mishra

... For the Petitioner.

1. Despite service of notice, the respondents are not represented.

Affidavit of service filed in Court today is taken on record.

2. It is submitted that the trial has commenced in CBI Case No.RC0562021S0019 dated 27.08.2021 arising out of GR Case No.440/2021 (Sitalkuchi Police Station Case No.104/21 dated 05.05.2021) before the learned Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar.

3. It is submitted that on each day when the trial had commenced including when the bail applications are moved, the CBI counsel Mr. Kaushik Bhadra was assaulted, manhandled and not allowed to perform his duties. A complaint dated 11th February, 2022 to this effect has been filed with the Inspector-in-Charge, Mathabhanga Police Station.

4. Even on the last date, when the CBI was to produce their witnesses, they could not do so as the witness apprehending threat to his life and person, refused to come to Court. The other witnesses are also expressing the similar apprehension.

5. This Court finds that despite service of notice, the respondents including the State, complainant and the accused persons are chosen not to be represented before this Court.

6. In that view of the matter, this Court directs that CBI Case No.RC0562021S0019 dated 27.08.2021 arising out of GR Case No.440/2021 (Sitalkuchi Police Station Case No.104/21 dated 05.05.2021) be transferred to the Special CBI Court at Siliguri for continuation of trial and conclusion thereof.

7. Let the records of this case, now lying with the learned Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar, be transmitted immediately by the said Court to the Special CBI Court at Siliguri upon receipt of a copy of this order. It is expected that expeditious compliance of this order.

8. The District Judge, Darjeeling shall facilitate the aforesaid process.

9. With the aforesaid directions, the CRR 2987 of 2022 is disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)