

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3742 of 2022

**The State of West Bengal
Vs.
Aptabuddin Molla @ Atabuddin**

Mr. Sudip Ghosh
Mr. Saryati Datta
..for the Petitioner/State

Item No. 26

Heard & Judgment on: 24.01.2023

Bibek Chaudhuri, J.

This is an application under Section 407 of the Code of Criminal Procedure filed by the prosecution praying for transfer of Amdanga Police Station Case No.14 of 2019 corresponding to Charge sheet No.204 of 2019 and Sessions Trial No.5 of 2021 to the Court of the learned Additional Sessions Judge at Kalyani. Simultaneous trial along with Haringhata P.S. Case No.13 of

2018 and Charge Sheet Nlo.128 of 2019 corresponding to S.C. 06(04) of 2019 pending before the learned Additional Sessions Judge at Kalyani.

Brief fact of the case is that marriage of the opposite party was held under Mohammedan law with the daughter of the de facto complainant. After marriage there was matrimonial discord which led her to return to her paternal home. After some days the husband/opposite party went to her paternal home and bring back her wife. Thereafter, the father of the victim did not get any information about her daughter. He went to her matrimonial home. He heard from the matrimonial relations that the opposite party and his wife never returned to their house and they have been residing elsewhere not known to the said matrimonial relations. On the basis of a complaint submitted by the father of the victim Amdanga P.S. Case No.14 of 2019 under Sections 498A/464/120B/346/368/509 of the Indian Penal Code was registered. On completion of investigation police submitted charge sheet and the said case is now pending before the learned Additional Sessions Judge, 5th Court at Barasat. In the interregnum a dead body of a lady was found floating on a local pond within Haringhata P.S. Police

attached to Haringhata P.S. recovered the said dead body and an unnatural death case was registered on the complaint of one Taher Mondal. Subsequently, the dead body was found to be the corpus of the wife of the opposite party. Therefore, a specific case under Section 302 of the Indian Penal Code was registered against the opposite party. The said case is pending before the learned Additional Sessions Judge at Kalyani and the accused/opposite party is facing trial.

At this stage, it is prayed on behalf of the prosecution that both the Sessions Trial No.5 of 2021 pending before the learned Additional Sessions Judge, 5th Court at Barasat and Sessions Case No.06(04) of 2019 pending before the learned Additional Sessions Judge at Kalyani may be heard by one and an identical Court because the fact in issue in both the cases are almost same and identical.

I have given anxious thought with the matter. If both the above mentioned cases are tried by the same Court simultaneously the opposite party will be benefited because he need not appear in both the Courts on two dates for two cases. He can also place his defence in one and same Court effectively. Therefore, the opposite party will not be prejudiced.

Considering such aspect of the matter the instant revision filed by the petitioner is allowed.

Sessions Trial No.5 of 2021 pending before the learned Additional Sessions Judge, 5th Court at Barasat be transferred to the Court of the learned Additional Sessions Judge at Kalyani for trial. The learned Additional Sessions Judge at Kalyani is directed to take up trial of both the cases simultaneously.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)