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09.02.2024
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C.R.R.1203 of 2023
With
CRAN 3 of 2024

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

Akib Chowdhury @ Roni
Versus
The State of West Bengal

Mr. Rhiddhiman Mukherjee
Mr. Arkaprabho Roy.
...for the petitioner.

Ms. Anasuya Sinha
Ms. Mayukhi Mitra
...for the State.

The present revisional application has been preferred for transfer of Sessions Case No.44(3) of 2023 arising out of Kotwali Police Station Case No.573 of 2022 dated 24.08.2022. As has been informed on behalf of the State, the case presently is pending before the learned Sessions Judge, Paschim Medinipur.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that series of witnesses are common both in connection with Kotwali Police Station Case No.573 of 2022 and Khatra Police Station Case No.49 of 2022. Learned advocate submits that while one case is pending in the district of Purba Medinipur, the other is pending at Khatra, Bankura. It has been emphasised that as the convenience of the parties are involved and the independent witnesses in both the cases are mainly residents of the district of Bankura, the present case may be transferred from

the learned Sessions Judge, Bankura within the jurisdiction of Khatra.

Learned advocate appearing for the State opposes such contentions and submits that the cause of action of both the cases are different and so far as the case at Paschim Medinipur is concerned arising out of Kotwali Police Station Case No.573 of 2022, majority of the witnesses belong to that district, as such, the present case may not be transferred.

I have considered the submissions advanced on behalf of the petitioner as well as the State and I am of the opinion that if a case has been initiated by rightly invoking the jurisdiction where cause of action arose, only convenience of the parties cannot be a ground for transfer, particularly in the background of the facts of the present case. As has been rightly pointed out by the State that the residents of some of the witnesses in connection with Kotwali Police Station Case No.573 of 2022 are within the district of Bankura, but it is not the same witnesses who are also cited in the charge-sheet submitted in connection with the case registered at Khatra.

That being the scenario, I am not inclined to transfer the proceedings. However, having regard to the fact that the petitioner is to face trial and there are number of witnesses cited by the prosecution, I direct that the learned trial court would take steps so that the stage of consideration of charges are overcome within one month from the next date so fixed. If after the consideration of charges, the court is of the opinion that trial is required to be

conducted, in that case, learned trial court would fix a schedule of three dates and fix such schedule once in every two months so that the trial of the case can be concluded within a reasonable period of time.

With the aforesaid observations, CRR 1203 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.)