

15.05.2024
Item Nos.21 to 25
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1381 of 2023
+
CRAN 1 of 2023
Partha Sarathi Kar
versus
The State of West Bengal and others
with
CRR 1382 of 2023
+
CRAN 1 of 2023
Joydeb Kar
versus
The State of West Bengal and others
with
CRR 1383 of 2023
+
CRAN 1 of 2023
Partha Sarathi Kar
versus
The State of West Bengal and others
with
CRR 4335 of 2023
XXXX
versus
The State of West Bengal and others
With
CRR 4336 of 2023
Partha Sarathi Kar
versus
The State of West Bengal and others

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Sk. Mustafi Rahaman
... For the Petitioners in all the matters.

Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Ganguly,
Mrs. Sreemoyi Roy
... For the State in CRR 1381/2023,
CRR 1382/2023 and CRR 1383/2023.

Mr. Madhusudan Sur,
Mr. Koushik Kundu
... For the State in CRR 4335/2023
and CRR 4336/2023.

Mr. Santanu Chatterjee
... For the Opposite Party Nos. 2,3,4 and 5 in
CRR 1381/2023 and CRR 1382/2023 and

Opposite Party Nos. 2,3,4,5 and 6 in
CRR 1383/2023, CRR 4335/2023 and
CRR 4336/2023.

Since a common question of law and facts are involved and the parties are same, all the revisional applications are taken up together and disposed of by a common order.

CRR 1381 of 2023 has been preferred in connection with Monteswar Police Station Case No. 14 of 2020 dated 16.01.2020 under Sections 341/323/506/379/34 of the Indian Penal Code wherein the learned Sessions Judge, Purba Bardhaman in Criminal Misc. Case No. 562 of 2021 by his order dated 08.12.2022 was pleased to transfer the case from the court of learned Additional Chief Judicial Magistrate, Kalna to the court of learned Chief Judicial Magistrate, Purba Bardhaman.

CRR 1382 of 2023 has been preferred in connection with Monteswar Police Station Case No. 268 of 2021 dated 17.07.2021 under Sections 341/323/504/506/34 of the Indian Penal Code wherein the learned Sessions Judge, Purba Bardhaman in Criminal Misc. Case No. 1292 of 2022 by his order dated 30.11.2022 was pleased to transfer the case from the court of learned Additional Chief Judicial Magistrate, Kalna to the court of learned Chief Judicial Magistrate, Purba Bardhaman.

CRR 1383 of 2023 has been preferred in connection with Monteswar Police Station Case No. 194 of 2020 dated 24.07.2020 under Sections 461/379 of the Indian Penal Code wherein the learned Sessions Judge, Purba Bardhaman in

Criminal Misc. Case No. 563 of 2021 by his order dated 05.07.2022 was pleased to transfer the case from the court of learned Additional Chief Judicial Magistrate, Kalna to the court of learned Additional Chief Judicial Magistrate, Katwa.

CRR 4335 of 2023 has been preferred in connection with Monteswar Police Station Case No. 81 of 2019 dated 04.04.2019 under Sections 341/323/354/506/34 of the Indian Penal Code wherein the learned District and Sessions Judge, Purba Bardhaman in Criminal Misc. Case No. 1369 of 2019 by his order dated 09.08.2023 was pleased to transfer the case from the court of learned Additional Chief Judicial Magistrate, Kalna to the court of learned Judicial Magistrate, 6th Court, Bardhaman Sadar.

CRR 4336 of 2023 has been preferred in connection with C.R. Case No. 148 of 2019 dated 02.04.2019 under Sections 448/341/323/354/457/379/427/504/506/34 of the Indian Penal Code wherein the learned District and Sessions Judge, Purba Bardhaman in Criminal Misc. Case No. 1370 of 2019 by his order dated 09.08.2023 was pleased to transfer the case from the court of learned Additional Chief Judicial Magistrate, Kalna to the court of learned Judicial Magistrate, 6th Court, Bardhaman Sadar.

As all the revisional applications involve the issue relating to transfer and are between the selfsame parties and while the petitioners have their objection for trial to be conducted at Purba Bardhaman, the opposite parties, on the other hand, have their objection for trial to be conducted

within the jurisdiction of the court at Kalna, both the parties were granted option as there were different issues involved including the factum of practising advocates amongst the litigating parties and also the influence of the other litigating party within the jurisdiction of Purba Bardhaman. Having considered that the parties are at loggerheads as number of criminal cases and civil cases are pending between the parties and each of them has expressed that they may not be able to get proper legal services either at kalna or at Purba Bardhaman, I am of the view that all the cases which have been referred to above be transferred to the court of the learned Additional Chief Judicial Magistrate, Nabadwip. As such, the directions for transfer which have been passed by the learned District and Sessions Judge, Purba Bardhaman in all the applications under Sections 408/409 of the Code of Criminal Procedure are set aside.

Accordingly, I direct that the records relating to Monteswar Police Station Case No. 14 of 2020 dated 16.01.2020, Monteswar Police Station Case No. 268 of 2021 dated 17.07.2021, Monteswar Police Station Case No. 194 of 2020 dated 24.07.2020, Monteswar Police Station Case No. 81 of 2019 dated 04.04.2019 and C.R. Case No. 148 of 2019 dated 02.04.2019 be transmitted immediately either from the court at CJM, Purba Bardhaman or the court at ACJM, Kalna or the court at ACJM, Katwa or the court at Judicial Magistrate, 6th Court, Bardhaman Sadar who are in seisin of

the records of the case to the court of the learned Additional Chief Judicial Magistrate, Nabadwip.

The learned Additional Chief Judicial Magistrate, Nabadwip after receipt of the records will issue summons/notice to the respective parties and will proceed with the case from the stage where he has received the case records in accordance with law.

With the aforesaid observations, the revisional applications being CRR 1381 of 2023, CRR 1382 of 2023, CRR 1383 of 2023, CRR 4335 of 2023 and CRR 4336 of 2023 are disposed of.

All pending connected applications are consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)