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CRR 2634 of 2023

(Assigned)

**M/s. Fairdeal Supplies Limited & Ors.
versus
Central Bureau of Investigation (CBI) & Anr.**

Mr. Sekhar Bose, Sr. Adv.
Mr. Satadru Lahiri,
Mr. Kaushik Banerjee,
Ms. Rashmita Sen,
Mr. Sayak Chakraborty,
Mr. Selim Malik For the petitioners.

Mr. Anirban Mitra, ... for the CBI.

Ms. Jayanti Chowdhury,
Ms. Sutapa Dutta Guha,
Mr. Sucheta Mitra,
Ms. Priya Malakar ... for the O.P. No.2.

1. Mr. Sekhar Bose, learned senior counsel has submitted written notes of argument and the same be kept with the record.
2. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of C.B.I and also learned counsel appearing on behalf of the opposite party no.2.
3. This revisional application has been filed alleging transfer of the case from Calcutta to Ahmedabad within the territorial limits of State of Gujarat in connection with CBI EOJ Case No. RC0732022E0003 dated 26th July, 2022 under Section 120B read with

Section 420/409 of Indian Penal Code read with Sections 13(2)/13(1)(d) of the Prevention of Corruption Act, 1988.

4. Mr. Bose, learned senior counsel on behalf of the petitioners has referred to a case of Navinchandra N. Majithia versus State of Maharashtra and Ors. reported in (2000) 7 SCC 640 and also submitted that all the incidents alleged to have been committed within the jurisdiction of Calcutta and the cause of action arose within the jurisdiction of Calcutta and thereby the case should be tried with the jurisdiction of Calcutta. All the events alleged to have been happened has been described in the written notes of argument.
5. Mr. Bose has referred to the relevant paragraph of Navinchandra N. Majithia (supra) in support of his contention. The relevant paragraph is quoted below:

“43. We make it clear that the mere fact that FIR was registered in a particular State is not the sole criterion to decide that no cause of action has arisen even partly within the territorial limits of jurisdiction of another State. Nor are we to be understood that any person can create a fake cause of action or even concoct one by simple jutting into the territorial limits of another State or by making a sojourn or even a permanent residence therein. The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case.”

6. Mr. Anirban Mitra, learned counsel appearing on behalf of the C.B.I, in reply, has referred to the documents annexed with the affidavit-in-opposition

filed on behalf of the C.B.I.

7. Mr. Mitra has referred to the documents showing the submission of report filed by the I.O. of this case before the Court of Special Judge C.B.I., Bhadra, Ahmedabad, Gujarat in response to a notice issued by the Court. Mr. Mitra has also submitted that according to report submitted by I.O in connection with this case clearly shows that the properties in connection with this case are situated within the jurisdiction of Ahmedabad.
8. Before parting with, Mr. Mitra has referred to the order dated 3rd October, 2020 with regard to the jurisdiction of C.B.I. branches/units issued by the Central Bureau of Investigation Policy Division 27, North Block New Delhi and submitted that EOB, Kolkata Branch has got its jurisdiction throughout Indian and the complaint was registered before the court of Special Judge C.B.I., Bhadra, Ahmedabad, Gujarat.
9. Tone and tenor of the revisional application is against the transfer of the case from Calcutta to Ahmedabad though it was lodged in compliance with the standing order issued by Central Bureau of Investigation Policy Division 27, North Block New Delhi.
10. Mr. Bose has submitted that the properties in connection with this case are situated in Calcutta. Therefore, registration ought to have made at Calcutta.
11. But, I am not agreeable with Mr. Bose as C.B.I. lodged complaint at Ahmedabad within its jurisdiction

mentioned in order dated 3rd October, 2020 issued by Central Bureau of Investigation Policy Division 27, North Block New Delhi. Moreover, transfer of case from one State to another is exclusive domain of Hon'ble Apex Court.

12. In view of the matter, I find hardly any merit in the instant revisional application which is liable to be dismissed without costs.
13. Accordingly, CRR 2634 of 2023 stands dismissed.
14. Pending application, if there be any, stands dismissed.
15. Interim order, if any, also stand vacated.
16. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
17. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)