

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 2384 of 2017

Jayanta Deb Biswas
Vs.
The State of West Bengal & Anr.

Mr. Goutam Thakur
Mr. Bibaswan Bhattacharya
Ms. Anandamayi Ghosh
... For the petitioner

Mr. Madhusudan Sur
Mr. Dipankar Paramanick
... For the State

1. This revisional application has been filed assailing the order dated 7th January, 2017 in connection with ACGR Case No.4380 of 2011 passed by the learned Additional Chief Judicial Magistrate, Alipore.
2. Mr. Bibaswan Bhattacharya, learned advocate appearing on behalf of the petitioner submits that one application was filed under Section 410 of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Alipore, with a prayer for analogous trial of the Complaint Case No.5188 of 2010 pending before the Court of the learned Judicial Magistrate, 7th Court, Alipore and another case of ACGR Case No.4380 of 2011 pending in the Court of the learned Additional Chief Judicial Magistrate, Alipore.
3. Learned Chief Judicial Magistrate, Alipore, after hearing both sides, exercised the power under Section 410 of the Code of Criminal

Procedure, directing the Complaint Case being No.5188 of 2010 pending before the Court of the learned Judicial Magistrate, 7th Court, Alipore, be transferred to the Court of the learned Additional Chief Judicial Magistrate, Alipore, and the matter regarding analogous trial was left to the discretion of the learned Additional Chief Judicial Magistrate, Alipore.

4. Accordingly, the Complaint Case which was pending before the Court of the learned Judicial Magistrate, 7th Court, Alipore, was transferred and received by the learned Additional Chief Judicial Magistrate, Alipore.

5. The learned Additional Chief Judicial Magistrate, Alipore, thereafter transferred both those records to the Court of the learned Judicial Magistrate, 7th Court, Alipore, for disposal.

6. I am really astounded regarding power of “re-delegation” exercised by the learned Additional Chief Judicial Magistrate, Alipore. In fact, learned Chief Judicial Magistrate, Alipore, transferred the case pending before the learned Judicial Magistrate, 7th Court, to the Court of the learned Additional Chief Judicial Magistrate for disposal after exercising power of discretion of trial of the two cases analogously. But the learned Additional Chief Judicial Magistrate sent the record, being ACGR Case No.4380 of 2011, to the Court of the learned Judicial Magistrate, 7th Court, for disposal.

7. I am of the humble opinion that the learned Additional Chief Judicial Magistrate cannot have any power of “re-delegation” and was not in a position to transfer the case pending before him to the Court

of the learned Judicial Magistrate, 7th Court, while the learned Chief Judicial Magistrate passed an order directing both the cases to be disposed of by the learned Additional Chief Judicial Magistrate, Alipore.

8. Considering all facts and circumstances, both the records, being Complaint Case No.5188 of 2010 as well as ACGR Case No.4380 of 2011, be transferred to the Court of the learned Additional Chief Judicial Magistrate, Alipore, for disposal in compliance with the order passed by the learned Chief Judicial Magistrate, Alipore, on 3rd January, 2017.

9. The learned Additional Chief Judicial Magistrate, Alipore, is directed to dispose of both the trials of those cases as expeditiously as possible.

10. With the above observation and direction, the revisional application, being CRR 2384 of 2017, stands disposed of.

11. Interim order, if any, stands vacated.

12. Department is directed to communicate a copy of this order to the Court of the learned Additional Chief Judicial Magistrate, Alipore, for compliance.

13. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)