

27.06.2024

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CRR 3267 of 2023

**In Re : Uttam Halder @ Uttam Kumar Halder
... Petitioner.**

**Mr. Uttam Mukherjee
... For the Petitioner
Ms. Sonali Das
... For the State**

The private opposite party has chosen not to appear before this Court despite service of notice.

The petitioner who is a practising advocate of Baruipur Court seeks transfer of G.R. Case no. 8529 of 2019 pending before the learned Additional Chief Judicial Magistrate, Baruipur Court to learned Chief Metropolitan Magistrate, Bankshall Court, Calcutta on the ground that though he was granted anticipatory bail in connection with the said case on 2nd January, 2020, he has not been able to appear before the learned trial Court and seek bail due to stiff resistance by the private opposite party and his associates. The petitioner filed a complaint to that effect before the Disciplinary Committee of the Bar Council of India which being turned down the petitioner preferred an appeal before the Hon'ble Supreme Court of India wherein the Hon'ble Court has observed that the allegations and counter allegations are under judicial scrutiny of the trial Court and the Bar Council of India has adequately protected the right of the appellant-petitioner by granting him liberty that if the respondents are held guilty of offence in the pending trial in

that event the appellant may approach the State Bar Council afresh with a complaint under Section 35 of the Advocates Act, 1961.

Since the petitioner submits that he was unable to appear before the learned trial Court due to resistance offered by the opposite party and his associates, it shall be prudent to transfer the case being G.R. Case no. 8529 of 2019 pending before the learned Additional Chief Judicial Magistrate, Baruipur to the Court of the learned Chief Metropolitan Magistrate, Bankshall Court, Calcutta for trial.

Accordingly, the revisional application being C.R.R. 3267 of 2023 is allowed.

G.R. Case no. 8529 of 2019 pending before the learned Additional Chief Judicial Magistrate, Baruipur be transferred to the learned Chief Metropolitan Magistrate, Bankshall Court, Calcutta for trial. Learned Chief Metropolitan Magistrate, Bankshall Court, Calcutta shall either deal with the case himself or assign the same to any other Metropolitan Magistrate, in accordance with law.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)