

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
[CIRCUIT BENCH AT JALPAIGURI]

Present:

HON'BLE JUSTICE PARTHA SARATHI SEN

CRR No. 60 of 2023

"X", The Victim Girl Petitioner.

Versus.

The State of West Bengal & Another..... Opposite Parties.

For the Petitioner (through VC) :	Mr. Sekhar Basu, Learned Senior Advocate
	Mr. Diptangsu Basu, Learned Advocate
	Mr. Surajit Basu, Learned Advocate
For the State :	Mr. Aditi Shankar Chakrabarty, Learned Additional P.P.
	Mr. Nilay Chakrabarty, Learned Advocate
Last heard on :	29.01.2024
Judgment on :	31.01.2024

Partha Sarathi Sen, J:-

1. The instant case arises out of an application under Section 407 Cr.P.C. read with section 482 Cr.P.C. at the instance of the petitioner who is a victim lady and the informant before the Learned Trial Court.
2. By filing the aforesaid application being informant/victim/petitioner has prayed for transfer of the proceedings of Sessions case no. 93 of 2022 as

pending before the Learned Additional Sessions Judge, Fast Track Court, Siliguri to the Court of Learned Additional Sessions Judge, Chandannagore, District – Hooghly.

3. For effective disposal of the instant case, the facts leading to the initiation of the aforesaid Sessions case is required to be dealt with in a nutshell. On the basis of a written complaint dated 22.11.2020 addressed to the O.C. Matigara Police Station, District – Darjeeling, Matigara Police Station case no. 1192 of 2020 dated 22.11.2020 under Sections 493/376 I.P.C. was started against the accused who is the opposite party no. 2 Herein. Since the progress of the said investigation was slow and continuing for a considerable length of time, the petitioner/victim lady approached the Hon'ble Court by filing WPA 8989 of 2021 praying for interference of the Hon'ble Court. By an order dated 08.07.2021 a coordinate bench of this Hon'ble Court directed the State to file affidavit in opposition.

4. It is the assertion of the present petitioner/informant/victim lady that immediately after the said order dated 08.07.2021 charge-sheet was submitted against the accused/opposite party no. 2 herein under Sections 493/376/354C/417 IPC. Since the said case is exclusively triable by a Court of Sessions, after commitment and transfer the said case record has been placed in the file of the Court of Learned Additional Session Judge, Fast Track Court, Siliguri for trial and disposal.

5. In the petition under consideration it has been stated by the petitioner that since she and/or her father who is aged about 63 years are residents of

District - Hooghly they are required to travel a long distance for adducing evidence before the said trial Court at Siliguri. It has also been averred by the petitioner that in view of the dictum of the Hon'ble Apex Court convenience of the prosecution witnesses is paramount and therefore the trial of the case record of Sessions case no. 93 of 2022 arising out of Matigara Police Station case no. 1192 of 2020 dated 22.11.2020 as pending before the Learned Additional Sessions Judge, Fast Track Court, Siliguri be transferred to the Court of Learned Additional Sessions Judge at Chandannagore, Hooghly.

6. On perusal of the photo copy of the charge-sheet as has been annexed with the instant application it reveals that total 9 numbers of witnesses have been cited as prosecution witnesses out of which the present petitioner, her father and one Anup Kumar Das are the residents of District - Hooghly while the other charge-sheeted witnesses are of District - Darjeeling of which CSW Nos. 6 to 9 are the Police Officials.

7. In the petition under consideration, the revisionist has expressed her difficulties to approach the Court of Siliguri from Chandannagore, District - Hooghly only on account of distance. She has not yet expressed any reasonable apprehension on her part at the hand of the accused/opposite no. 2 herein while coming to Siliguri from Chandannagore. It also reveals that CSW No. 2 i.e. the father of the victim is 63 years of age and nothing has been placed before this Court to substantiate that he is not in a position to move on account of his old age. So far as the connectivity of Chandannagore and Siliguri is concerned, it is quite satisfactory since both the places are well

connected by train, by road as well as by air. From the written complaint it reveals that it is the averment of the present revisionist that on a number of occasions she had been to Siliguri from her native place at Chandannagore, when her relationship with the opposite parties no. 2 was cordial.

8. Such being the position this Court considers that no case has been made out by the present petitioner/victim lady for transfer of the case as prayed for. In further considered view of this Court, if the prayer for transfer is allowed that would cause much inconvenience to the other prosecution witnesses who are mostly public servants.

9. This Court thus holds that the instant application as filed under Sections 407 read with Section 482 Cr.P.C. is frivolous and has got no merit at all and the same is thus dismissed on contest.

10. Urgent Photostat certified copy of this Judgment, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen, J.)