

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 2537 of 2025

Radharani Gayen

Vs.

State of West Bengal & Ors.

For the petitioner : Ms. Pampa Dey (Dhabal)

Mr. Biswarup Chatterjee

For the State : Mr. Suman De

Mr. Bibaswan Bhattacharyya

Heard on : 24.07.2025

Judgment on : 24.07.2025

Jay Sengupta, J.:- This is an application seeking transfer of G.R. Case No. 6790 of 2022 presently pending before the learned Additional Chief Judicial Magistrate, 2nd Court, Baruipur to any other competent Court at Kolkata.

Let a copy of this application be served upon Mr. Suman De and Mr. Bibaswan Bhattacharyya, learned counsels for the State who are present in Court and they are requested to represent the State in this matter. Their engagement may be regularised in due course.

Learned counsel appearing on behalf of the petitioner submits as follows. The case arises out of Baruipur Police Station Case no. 1664 of 2022 dated 22.10.2022 under Sections 341/323/506/509/34 of the Indian Penal Code. The petitioner is the de-facto complainant in this case. He is supposed to depose as the witness in the case on a date in the next month. However, the accused persons are giving threats to the petitioner and pressurising him not to take any steps in respect of the pending proceeding. The accused are very influential and are in a position to manipulate the proceeding.

Learned counsel appearing for the State opposes the prayer for transfer.

It does not appear that the petitioner has made any representation before the police authorities or even before the learned Trial Court regarding any threat given.

However, in the event, the petitioner genuinely apprehends that any harm could take place if the petitioner tries to take steps in respect of the proceeding by deposing during the trial, he shall be at liberty to pray for necessary police protection before the concerned authorities. The police authorities shall then look into the matter and act in accordance with law.

The petitioner shall also be at liberty to seek necessary protection before the learned Trial Court and the learned Trial Court shall consider the application in accordance with law and pass necessary directions.

So as far as the allegation is concerned that the opposite parties are influential person, the petitioner has not been able to show anything that they would be in a position to manipulate any proceeding.

Therefore, I do not find any ground for transferring the proceeding to any other Court.

Accordingly, the revisional application is disposed of with the above referred directions and observations.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)