

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3746 of 2024

Julius Ansary
Vs.
The State of West Bengal & Anr.

Mr. Manas Kumar Das
Ms. Shabana Hasin
Ms. Samima Akter
... For the petitioner

Mr. Anand Keshri
Mr. Mainak Gupta
... For the State

1. Affidavit of service filed in Court today is taken on record.
2. In spite of service, none appears on behalf of the opposite party no.2/de facto complainant.
3. The instant revisional application has been filed invoking the provision of Section 407 of the Code of Criminal Procedure (Section 447 of BNSS) read with Section 482 of the Code of Criminal Procedure (Section 528 of BNSS) with a prayer for transfer of Sessions Case No.73 of 2024 arising out of Barasat P.S. Case No.796 of 2022 dated 9th November, 2022 under Sections 306/34 of the Indian Penal Code pending before the Court of the learned Sessions Judge, North 24-Parganas, Barasat, to the Court of the learned Sessions Judge, Berhampore, Murshidabad.
4. Mr. Manas Kumar Das, learned counsel appearing on behalf of the petitioner, has submitted that though the offence

alleged to have been committed within the jurisdiction of North 24-Parganas but the accused/petitioner herein as well as the de facto complainant are resident of Murshidabad within the jurisdiction of learned Sessions Judge, Berhampore, Murshidabad and two of the witnesses also reside at Murshidabad.

5. Learned counsel appearing on behalf of the petitioner has also submitted that the accused is already on bail and the de facto complainant of this case, being a resident of Murshidabad, it would be convenient to transfer the case to the Court of the learned Sessions Judge, Berhampore, Murshidabad for proper dispensation of justice.

6. Mr. Mainak Gupta, learned counsel appearing on behalf of the State, has submitted that except the two witnesses including the de facto complainant, no other witnesses are resident of Murshidabad. However, he raised formal objection.

7. Barasat P.S. Case No.796 of 2022 dated 9th November, 2022 was started on a written complaint filed by the de facto complainant alleging some incident involving abetment of committing suicide by the victim at the instance of the accused/petitioner herein. That case was investigated and ended with charge sheet and now the same was registered as Sessions Case No.73 of 2024 pending before the learned Additional Sessions Judge, 8th Court, North 24-Parganas, Barasat.

8. Considering all facts and circumstances as well as in absence of any prejudice to the de facto complainant, I am of the

opinion that the Sessions Case No.73 of 2024 presently pending before the learned Additional District Judge, 8th Court, Barasat should be transferred to the Court of the learned Sessions Judge, Berhampore, Murshidabad.

9. In the aforesaid view of the matter, the instant revisional application stands allowed.

10. Let the Sessions Case No.73 of 2024 arising out of Barasat P.S. Case No.796 of 2022 dated 9th November, 2022 under Sections 306/34 of the Indian Penal Code be transferred to the Court of the learned Sessions Judge, Berhampore, Murshidabad.

11. I make it clear that the learned Sessions Judge, Berhampore, Murshidabad either can take up the case for disposal or transfer the same to any other learned Additional Sessions Judge at Berhampore, Murshidabad having jurisdiction, for disposal.

12. With the aforesaid observation and direction, the revisional application stands disposed of.

13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Bibhas Ranjan De, J.)