

50
akb

07.03
2025
Ct. No. 3

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

C.R.R. 76 of 2025
Karan Pradhan & Ors.
Vs.
The State of West Bengal Anr.

Mr. Bikash Singha *...For the Petitioners*

Mr. Aditi Shankar Chakraborty
Mr. Ujjwal Luksom *...For the State*

This is an application wherein the petitioners have prayed for transfer of Sessions Case No. 235 of 2023 from the Court of learned Additional District and Sessions Judge, 3rd Court, Jalpaiguri to the Court of learned Additional Sessions Judge, Mal, Jalpaiguri.

Learned Counsel appearing on behalf of the petitioners relying upon the provisions of Section 177 of the Code of Criminal Procedure submits that the inquiry and trial of the case should ordinarily be commenced where the offence has taken place.

In the present context both the parties are residing within the Mal Bazar Police Station and the case also registered with the Mal Bazar Police Station, being Case No. 481 of 2022 dated 21st June, 2022 as alleged occurrence took place within Mal Bazar Police Station.

Mr. Ujjwal Luksom, learned Counsel appearing on behalf of the State submits that the State has got no objection if the aforesaid prayer for transfer is allowed.

From the facts and circumstances of the case it transpires that on the basis of the written complaint made by the de facto complainant,

the police of Mal Bazar Police Station initiated investigation against the present petitioners.

Section 177 of Cr.P.C. states that the proper and ordinary venue for the trial of a crime is the area of jurisdiction, where the alleged incident occur and which are alleged to constitute the crime. Since at Mal Bazar there exists, a competent Court to try the offence I find that the prayer made by the petitioners is justified.

In such view of the matter, C.R.R. 76 of 2025 is allowed. Learned District and Sessions Judge, Jalpaiguri is hereby directed to withdraw the Sessions Case No. 235 of 2023 from the Court of learned Additional District and Sessions Judge, Jalpaiguri and to transmit the same to the Court of learned Additional District and Sessions Judge, Mal Bazar, Jalpaiguri within a period of three weeks from the date of communication of this order.

The transferee Court shall proceed with the case from the stage where it reached till date.

Let copy of this order be sent to the learned District and Sessions Judge, Jalpaiguri and learned Additional District and Sessions Judge, Mal Bazar, Jalpaiguri for compliance.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)