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CRR 3027 of 2025

**Central Bureau of Investigation
Vs.
Palash Khan @ Fzizul Khan & Ors.**

Mr. Amajit De, Special PP, CBI ... for the petitioner

Mr. Manjit Singh, Sr. Adv.
Mr. Biswajit Mal
Mr. Arkaprobho Roy ...for the O.P. no. 2

Md. Ashraf Ali
Mr. Rafikul Islam Sardar
...for the O.P. nos. 1,3,4,5,6, & 7

Petitioner/CBI being the Investigating agency and the prosecutor has prayed for invoking this court's jurisdiction for transferring the criminal proceeding being Sessions case no. 100 of 2023 arising out of CBI case no. RC0562022S0009 dated 8.4.2022, presently pending before the learned Additional Sessions Judge, Fast Track Court, Rampurhat to one of the CBI Special Courts in Kolkata.

The grounds alleged in the transfer are that the accused person and their associates are interfered with the administration of justice in connection with the instant case and further continuance of the instant proceeding in the sessions division of Rampurhat is prejudicial to free, fair and impartial trial.

Learned counsel appearing for the different sets of accused persons submits that the allegations levelled in the instant petition is frivolous. No such incident took place in the Rampurhat court and the prosecution has already been examined 38 witnesses out of 63 charge-sheeted witnesses and the trial is continuing smoothly and the accused persons are in custody. He further submits that

merely because some of the prosecution witnesses have turned hostile, CBI/the Investigating agency has preferred the application in order to drag the trial. Therefore interference by this court is not required at the midst of trial and prayed for dismissal of the instant application.

It appears from the record that this court by an order dated 2nd December, 2025 asked the learned Trial Judge to submit a report within a sealed cover about the grounds taken by CBI in support of transfer. Learned Trial court has sent a report to this High Court which inter alia states:-

“10. That I personally did not witness gathering of supporters of the accused persons at the court premises at the time of trial, but I had come to know from the utterance of Ld. Advocates in my court room (Ejlash) that huge people used to assemble on the dates of evidence of this case outside the court room. In such a situation, there is every possibility that the witnesses are afraid of deposing freely before the court and trend of evidence of witnesses who reside in the locality of the accused persons supports the apprehension of the prosecution (as most of the witnesses who reside in the locality of the accused persons are declared as hostile).

11. That it is true that the locality of the accused persons is situated in close proximity to the court premises and there is every possibility of the presence of the supporters of the accused persons in the court premises and frighten the witnesses for which the witnesses are not able to depose freely before the court and are turning hostile.

12. That it is true that situation remains tense in the court premises on the dates of trial and hearing, but I received no information of any untoward incident in this regard on the dates of trial and hearing of this case.”

It is trite law that every apprehension of a party that he would not get a fair and impartial trial may not be taken into consideration, but where the apprehension is of a reasonable character, there notwithstanding any untoward incident has taken place, the fact of incidents having taken place calculated to raise such reasonable apprehension ought to be a ground for allowing a transfer. In the instant case, report of the trial court clearly discloses that there is apprehension that the witnesses would not

give evidence fearlessly which must be considered as “reasonable apprehension”.

Therefore when the submissions of CBI and the report submitted by Trial Court shows that there exists an atmosphere in the district, which either is unfavourable to the prosecution or about which there is reasonable apprehension, it is desirable in the interest of justice to transfer the case for trial to some other district.

Therefore having considered the report submitted by the learned Additional District and Sessions Judge, Rampurhat, Birbhum as quoted above and also in view of the submissions made by the parties, the Sessions trial being no. 100 of 2023 arising out of CBI case no. RC0562022S0009 dated 8.4.2022, presently pending before the learned Additional Sessions Judge, Rampurhat is transferred to the court of learned District and Sessions Judge, Purba Bardhaman, which is adjacent district in terms of geographic location.

Learned District and Sessions Judge, Birbhum will withdraw the Sessions case no. 100 of 2023 from the file of learned Additional Sessions Judge, Fast track court, Rampurhat and will transmit the same within a period of two weeks to the learned District and Sessions Judge, Purba Bardhaman.

Learned District and Sessions Judge, Purba Bardhaman on receipt of record, will either hold the trial by himself or will transmit the case record to any other court of learned Additional District and Sessions Judge, having jurisdiction to try the same.

The transferee court shall proceed with the case from the stage where it reached till date. The transferee court also shall make every endeavour for expeditious disposal of the case since the accused persons are in custody and the matter is pending since long.

The department is directed to send a copy of this order to the learned Additional District and Sessions Judge, Birbhum at Suri and the learned Additional District and Sessions Judge, Purba Bardhaman for compliance.

CRR 3027 of 2025 accordingly stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)