

02.01.2026
633.
Bd.

C.R.R. 3826 of 2025

Ram Narayan Bhagat
-vs-
Inspector of Police, CBI, SCB, Kolkata & Anr.

Mr. Bhaskar Prasad Banerjee
Mr. Aniket Mitra
Mr. Parasar Baidya
Ms. Salini Ghosh ... for the petitioner.

Mr. Amajit De For the CBI.

Affidavit of service filed by the petitioner is taken on record.

This is an application wherein petitioner has prayed for transfer of the entire case records and related documents in connection with Haripal P.S. Case No. 119 of 2009 dated 26.09.2009 corresponding to R.C. 1(S) /2018-CBI, SCB, Kolkata, dated 14.06.2018 (GR Case No. 580/2009) presently pending before the learned Additional Chief Judicial Magistrate, Chandannagar, to any learned court having jurisdiction situated in Calcutta.

It is submitted on behalf of the petitioner that the petitioner is aged about 73 years who lost his son allegedly under a mysterious circumstances and is knocking at the door of justice since 2009.

The petitioner is aggrieved by the purported investigation which was initially carried out by the officials of Haripal Police Station. By an order passed by this High Court in W.P 6167 (W) of 2010, investigation was entrusted to C.I.D.

Therefore by the order dated 09.11.2017 passed by this High Court in W.P 11590(w) of 2023, the case was transferred to CBI for investigation.

The allegation made by the petitioner is even after such transfer to CBI, no remarkable progress in investigation has taken place and learned trial court at Chandannagar was reluctant to deal with the illegalities and the management of the records of the learned Trial Court. Ultimately the CBI has filed final report disclosing closure of investigation on 31.12.2019, against which petitioner filed a protest petition which is pending for disposal.

In support of transfer learned counsel for the petitioner submits that petitioner reasonably apprehends that original and relevant documents from the case records are likely to be tampered and/or deliberately misplaced and/or removed by the interested parties directly or indirectly connected with the learned trial court.

He further submits that the petitioner presently staying in Calcutta and it will be convenient for him to attend the court of learned Chief Judicial Magistrate, Calcutta. Due to his old age, it has become difficult for him to travel all the way from Chandannagar to Calcutta. It is further submitted by the petitioner that Eastern Regional Office of CBI is at Calcutta and as such it will cause no inconvenience to the opposite party, if the aforesaid transfer is effected.

Learned counsel for the CBI on instruction submits that they have no objection against such prayer of transfer made by the petitioner.

In view of section 407 of Cr.P.C read with section 447 of BNSS 2023, there are five conditions for such transfer.

- (i) A fair and impartial inquiry or trial cannot be had.
- (ii) Some question of law of unusual difficulty is likely to arise.
- (iii) An order under the section is required by any provision of this code.
- (iv) It will tend to the general convenience of the parties or witnesses.
- (v) It is expedient for the ends by justice.

Though it is settled law that while considering prayer for transfer on the ground of general convenience of the parties, the convenience of the accused has to be considered rather than that of the complaint for transferring a case but in the instant case since the final report submitted in the form of closure report discharging accused persons, the convenience of accused or witnesses does not arise but what is material herein is the convenience of complaint/petitioner herein and the investigating agency/CBI for the purpose of disposal of petitioners protest petition. Since CBI has raised no objection against petitioner's prayer for transfer, I have no

hesitation to allow the prayer for transfer made by the petitioner at this stage.

Therefore the Case No. R.C. 1(S) /2018-CBI, SCB, Kolkata, dated 14.06.2018 corresponding to G.R. Case No. 580/2009 in connection with Haripal Police Station Case No. 119 of 2009 dated 26.09.2009 under sections 304/338/279/427 of the Indian Penal Code is hereby transferred from the Court of learned ACJM Chandannagar, to the court of learned Chief Judge, City Session Court at Bichar Bhavan, Calcutta.

Learned District Judge, Hooghly, will withdraw the case record from the concerned court of learned ACJM Chandannagar within a period of three weeks and he will transmit the same to the learned Chief Judge City Sessions Court at Calcutta, who will allot the case for disposal to a court having appropriate jurisdiction over the matter within a period of three weeks thereafter.

CRR 3826 of 2025 stands disposed of.

Let a copy of this order be sent to learned sessions Judge, Hooghly and learned Chief Judge, City Sessions Court at Calcutta immediately for compliance.

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

(Dr. Ajoy Kumar Mukherjee, J.)