

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CRIMINAL) Diary No(s). 51357/2023

(Arising out of impugned final judgment and order dated 30-11--0001 in SC No. 10(03)/2022 30-11--0001 in SC No. 197(3)/2022 30-11--0001 in SC No. 21/2021 30-11--0001 in ST No. 01(02)/2022 30-11--0001 in SC No. 216/2023 30-11--0001 in GR No. 277/2021 30-11--0001 in SC No. 104(02)/2022 30-11--0001 in GR No. 3/2021 30-11--0001 in CN No. 08/2022 30-11--0001 in SC No. 240/2022 30-11--0001 in GR No. 119/2022 30-11--0001 in SC No. 177/2022 30-11--0001 in GR No. 3658/2021 30-11--0001 in SC No. 174/2022 30-11--0001 in SC No. 25/2023 30-11--0001 in SC No. 280/2022 30-11--0001 in SC No. 147/2023 30-11--0001 in SC No. 46/2022 30-11--0001 in SC No. 99/2022 30-11--0001 in SC No. 96/2023 30-11--0001 in SC No. 07(05)/2023 30-11--0001 in GR No. 3726/2021 30-11--0001 in GR No. 89/2021 30-11--0001 in SC No. 249/2022 30-11--0001 in SC No. 1(03)/2023 30-11--0001 in SC No. 207/2022 30-11--0001 in TR No. 31/2021 30-11--0001 in SC No. 4(9)/2022 30-11--0001 in GR No. 2138/2021 30-11--0001 in SC No. 8/2022 30-11--0001 in SC No. 80/2021 30-11--0001 in GR No. 3829/2021 30-11--0001 in SC No. 01(08)/2022 30-11--0001 in SC No. 22(9)/2022 30-11--0001 in SC No. 20/2022 30-11--0001 in SC No. 52(06)/2022 30-11--0001 in SC No. 04/2022 30-11--0001 in SC No. 266/2022 30-11--0001 in SC No. 22/2023 30-11--0001 in SC No. 52/2023 30-11--0001 in SC No. 138/2023 30-11--0001 in BGR No. 457/2022 30-11--0001 in SC No. 24/2022 30-11--0001 in SC No. 68/2023 30-11--0001 in SC No. 21/2021 passed by the)

CENTRAL BUREAU OF INVESTIGATION

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(FOR ADMISSION and IA No.29252/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 14-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. S.V. Raju, ASG
Mr. Annam Venkatesh, adv.
Mr. Zoheb Hussain, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Munisha Anand, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Petitioner seeks transfer of cases subject matter of the instant petition, which are pending trial at various courts, within the State of West Bengal to any other place outside the State.

Learned ASG submits that the officers/officials/the complainant(s), advocates and the witnesses are being openly threatened and intimidated, thus obstructing and impeding the cause and course of justice. Despite the matter having brought to the notice of the authorities, no action at the ground level appears to have been taken. Specific attention is invited to the complaint dated 13th July, 2022 made by the petitioner's lawyer pointing out as to how even he is being threatened. Also attention is invited to the averments made in the petition [at pages 429 and 443(XXVII) and (XXVIII)] preferred by the petitioner before the High Court of Calcutta.

learned ASG emphasisingly invites attention of this Court to the recommendation of the report of the enquiry committee dated 12.07.2021 prepared by the National Human Rights Commission, categorically recommending trial of all cases investigated by the CBI to be held outside the State (West Bengal).

In the attending facts and circumstances, having perused the material placed on record, accounting for the nature of cases and the allegations made therein, issue notice to each one of the respondents arrayed as party in the instant petition.

Steps for service be positively taken, as prayed for, within one week. Notice be issued returnable on 11.03.2024.

Respondents as prayed for, be served dasti as also through the concerned police station. Standing counsel for the State of West Bengal be also served.

Learned ASG states that in addition to normal service, private respondents be also served by way of paper publication in the local daily newspaper, widely circulated within the State of West Bengal. Ordered accordingly.

Director General of Police, West Bengal is directed to ensure compliance of the order and also file his personal affidavit reporting compliance.

In the meanwhile, further proceedings of the trial referred to in the prayer clause at page 58 onwards of the instant petition, shall remain stayed.

As prayed for by learned ASG, Registry is directed to supply the copy of this order dasti.

(RAJNI MUKHI)
COURT MASTER

(NIDHI WASON)
COURT MASTER (NSH)