

IN THE COURT OF SESSIONS JUDGE, PURBA BARDHAMAN

Present: Sri Bimal Kanti Bera (WB00681)
Sessions Judge, Burdwan
District – Purba Bardhaman

Criminal Misc. Case No.564 of 2021
(CNR –WBBD01-001197-2021)

Mrinmay Kar & 4 Ors. Vs Sipra Kar & Anr. and State of
West Bengal

Order No.35, dated 15.07.2026.

Petitioners and the opposite party no.2/State have filed their respective hajira.

No steps have been taken by the opposite party nos.1 and 2.

The instant criminal misc. case under Sections 448/449 of B.N.S.S. is taken up for hearing.

Heard the respective learned Advocate for the petitioners and the learned P.P. for the opposite party no.3/State.

Perused the application. Considered.

It is stated that the opposite party no.1 being the complainant of Monteswar P.S. Case No.90 of 2020 (G.R. 472 OF 2020) under Sections 448/323/325/307/376/511/379/34 of I.P.C. and the petitioners are the members of the same family. A Civil suit is pending between the parties regarding their ancestral properties. Both the complainant/opposite party no.2 and his father are the legal practitioners practicing at Kalna Court and both of them are also the members of Kalna Bar Association. The Kalna Bar Association adopted a resolution to the effect that no member of the Bar would appear for the present petitioners in any proceedings initiated against any member of the bar association. The petitioners applied to the bar association soliciting cooperation but they were informed that no member of the Bar would appear for them. The petitioners being helpless are unable to attend Kalna Court for which W/A has been issued against them. The petitioners pray for transferring the said Monteswar P.S. Case No.90 of 2020 (G.R. 472 OF 2020), from the Court of learned Addl. Chief Judicial Magistrate, Kalna to any other Court in the District Purba Bardhaman to enable them to contest the case for proper justice.

Learned P.P. raises no objection.

There is no reason to disbelieve the version of the petitioners made in the application for transfer. An accused has every right to defend a case

through proper legal representative. In the given situation, his valuable right is at stake.

So, for the ends of justice, the prayer is allowed.

The record of Monteswar P.S. Case No.90 of 2020 (G.R. 472 OF 2020) is transferred from the Court of learned Additional Chief Judicial Magistrate, Kalna to the file of the 2nd Court of learned Judicial Magistrate, Katwa for trial and disposal.

A copy of this order be sent to the Court of learned Additional Chief Judicial Magistrate, Kalna for transmitting the record of Monteswar P.S. Case No.90 of 2020 (G.R. 472 OF 2020) to the transferee Court after completion of all official formalities, as early as possible.

A copy of this order be sent to the 2nd Court of learned Judicial Magistrate, Katwa for information.

Another copy of this order be sent to the O.C. Monteswar P.S. for information.

Dictated & corrected by me

Sessions Judge,
Purba Bardhaman

Sessions Judge,
Purba Bardhaman