

SESSIONS CASE NO 79 OF 2002  
(CNR - WBCS01-000707-2017)  
Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB01132

Order No.79 dated 07.02.2024

To-day is fixed for awaiting original G.R. case record from the Hon'ble Court, submission of report by the Superintendent of Hooghly Dist. Correctional Home in terms of order no.75 dated 17.10.2023 passed by this Court and further hearing of the petition dated 27.09.2023 filed on behalf of the accused person regarding transfer of the accused from one Correctional Home to another Correctional Home together with the Prisoner's petition regarding transfer of the accused from one Correctional Home to another Correctional Home.

The accused person namely Hassan Imam @ Hesnu @ Zubair Ahmed @ Asif Hossain is produced from J.C.

Ld. Counsel for the accused person and Ld. P.P.-in-charge are present.

It appears that the original G.R. case record has not yet been received from the Hon'ble Court.

Received one report along with annexure from the Superintendent of Hooghly Dist. Correctional Home vide office letter No.435/AB dated 07.02.2024 in terms of order no.78 dated 09.01.2024 passed by this Court.

The petition dated 27.09.2023 filed on behalf of the accused person regarding transfer of the accused from one Correctional Home to another Correctional Home is taken up for further hearing together with the Prisoner's petition regarding transfer of the accused from one Correctional Home to another correctional Home together with the report submitted by the Superintendent of Hooghly Dist. Correctional Home and the report received today from the Superintendent of Hooghly Dist. Correctional Home.

In the report dated 07.02.2027, it is stated that the accused person namely Hassan Imam @ Hesnu @ Zubair Ahmed @ Asif Hossain was transferred to Serampore Subsidiary Correctional Home from Presidency Correctional Home on 31.01.2019 as per approval of the then OSD and EX Officio DG and IG of Correctional Services of West Bengal on administrative ground and later on the said accused was received by the Hooghly Dist. Correctional Home from Serampore Subsidiary Correctional Home on 25.09.2020 on administrative ground as per order of Additional Inspector General (West) of Correctional Services, West Bengal vide his order No.216/AIG (W)/2020 dated 23.09.2020.

Ld. Counsel for the accused person submits that the accused person has been suffering from various health issues and the accused/petitioner requires adequate medical treatment and the facility of medical treatment in the Central Correctional Home is far better than that of any other Correctional Home and therefore it is prayed for necessary direction upon the Superintendent of Hooghly Dist. Correctional Home to transfer the said accused person to Presidency Correctional Home for rendering better medical treatment of the accused person.

Ld. P.P.-in-charge submits that as per the report of the Superintendent of Hooghly Dist. Correctional Home it is transpired that the accused person was transferred to the Hooghly Dist. Correctional Home on administrative ground and he prays for passing necessary order as this Court deems fit and proper.

Heard both sides.

This Court finds that the accused person was transferred from one Correctional Home to another Correctional Home on administrative ground and transfer from one Correctional Home to another Correctional is done as per the Provisions of West Bengal Correctional Services Act. This Court is also of the view that this Court should ensure proper medical treatment of the accused person as it is reported that the accused person is suffering from various ailments.

I am of the view that the Court has no jurisdiction to pass an order for transferring one UTP from one Correctional Home authority to another Correctional Home as the same is the exclusive domain of the Correctional home Authority and they are guided by the Provisions of the West Bengal Correctional Services Act, 1992.

In view of such circumstances the instant application be forwarded to the concerned Correctional Home for disposing of the same in accordance with Law.

With the above observations the application of the accused person namely Hassan Imam @ Hesnu @ Zubair Ahmed @ Asif Hossain is disposed of.

Considering the fact that the original G.R. case record has not yet been received from the Hon'ble Court, the case is adjourned.

Fix **14.03.2024** awaiting original G.R. case record from the Hon'ble Court, submission of report by the Superintendent of Hooghly Dist. Correctional Home.

To-date i.e.14.03.2024 for production of the accused person before this Court.

Let a copy of this order along with a copy of the petition dated 27.09.2023 and a copy of the Prisoner's petition regarding transfer of the accused from one Correctional Home to another correctional Home be sent to the Superintendent of Hooghly Dist. Correctional Home for information and report.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home, Alipore for information.

D/C by me.

Sd./-

Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta