

S.T. 6(6)2019
In the Court of the Ld. Addl. Sessions Judge, FTC 3rd Court, Basirhat.

Present:-

Sri Sanjay Naskar(**WB01025**)
Addl. Sessions Judge, F.T.C. 3rd Court, Basirhat.

Order no.38 dt. 30.04.2024

Both the accused are present. Ld. P.P.-in-charge is present. As fixed the petition, dated 04.07.2022 filed by the accused praying for analogous hearing of the instant case with the G.R. case being no. 2954 of 2016 is taken up for hearing.

Ld. Advocate for the accused submitted that the accused persons also filed another case being no. G.R. 2954 of 2016 which is pending before the Ld. J.M. 1st Court Basirhat over the same self incident of this case. So, to avoid the multiplicity of the decisions both the said two case should be heard analogously and disposed of by the same court. He relied on the case law reported in (2001)2 SCC 688, Sudhir Das vs State of M.P.

Ld. P.P. in charge raised objection.

Heard both sides. Perused the record.

It is not in dispute that the case and counter case should be disposed of by the same court and judgement to be pronounced by the same judge one after another. But the point is whether this court, being F.T.Court is a transferee court having no jurisdiction like filing court as that of Session Judge, can transfer a criminal case from one criminal court to another criminal court? This court finds that Sec.408 of Cr.P.C. vests jurisdiction upon the sessions judge of the sessions division who can transfer a criminal case from one criminal court to another criminal court. So, this court has no jurisdiction to exercise the power u/s 408 of Cr.P.C. So, the instant petition is liable to be and is rejected. Thus the instant petition is disposed of.

The accused is at liberty to take proper steps before the proper forum.

To 19.06.2024 for steps I.d. necessary order.

Dictated & Corrected by me.

Addl. Session Judge,
Fast Track 3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. Session Judge,
Fast Track 3rd Court, Basirhat.

