

Party Name : BAPAN SAHA & ANR. Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel, Mr. S. Saha for the petitioners and learned P.P., Mr. A. Ghosh for the State respondent. This is a petition seeking transfer of NDPS Case No.6 of 2014 registered under Sections 22(b) and 22(c) of the NDPS Act from the Court of learned Special Judge, North Tripura, Dharmanagar to any other Court at Agartala. Learned counsel, Mr. Saha strenuously argued that both the accused petitioners are drivers and are residents of Agartala. They were allegedly detained with narcotic drugs at Dharmanagar by the BSF personnel and accordingly the criminal case was registered at Dharmanagar and has been charge sheeted. It is submitted by Mr. Saha, learned counsel that since the accused persons are residents of Agartala it will be convenient for them for all purposes if the trial of the case is taken up at Agartala and in that case the accused persons will be easily able to attend the Court and there will be no inconvenience for the witnesses since the witnesses are mostly police officers and BSF personnel. Learned P.P. opposed the prayer. I think the matter is simple and it can be disposed of at this stage itself without calling records. Dharmanagar is in the northern end of the State of Tripura and the communication between Dharmanagar and Agartala cannot be said to be bad for which the accused persons cannot go to Dharmanagar and face the trial. I do not find any justification in the submission of learned counsel, Mr. Saha that only for the inconvenience of the accused petitioners the case should be transferred from Dharmanagar to Agartala. It will create a bad precedent if on that ground alone the case is transferred from the Court of one competent jurisdiction to other Court. I do not find justification in the submission of learned counsel, Mr. Saha and hence the petition seeking transfer stands rejected.