

Party Name : THE EDITOR, PRATIBADI KALAM Vs ABHISHEK CHANDRA, IAS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. A. Bhattacharji and Mr. S. Lodh, learned counsel appearing for the petitioner as well as Mr. P.K. Biswas, learned senior counsel, assisted by Mr. P. Majumder, learned counsel appearing for the respondent-complainant.

At the outset, Mr. Biswas, learned senior counsel has submitted that if the petitioner undertakes that he would bear the expenses of the witnesses who will have come to Agartala for deposing in the court, the respondent would not have any objection if the case, being C.R.36/2014 from the court of the Judicial Magistrate First Class, Kailashahar, Unakoti is transferred to any court of the competent jurisdiction at Agartala, West Tripura. Mr. Bhattacharji, learned counsel for the accused petitioner has submitted that barring the expenses of the complainant-respondent, the petitioner is agreeable to bear the expenses of the witnesses who will be coming to attend or depose in the court from outside Agartala, but those witnesses must be from within the State of Tripura.

Mr. Biswas, learned senior counsel appearing for the respondent has not raised any objection to the modification as proposed.

Though the courts are reluctant to transfer cases from the original jurisdiction to any other court, but taking regard to the special circumstances attached to this court and the undertaking as made by the accused-petitioner, it is ordered that the case, being C.R.36/2014 shall stand transferred from the court of the Judicial Magistrate First Class, Kailashahar, Unakoti to the court of the Additional Chief Judicial Magistrate, West Tripura, Agartala, subject to the condition that barring the expenses of the complainant-respondent, the expenses of the witnesses from within the State of Tripura coming from outside Agartala, West Tripura shall invariably be borne by the petitioner and for that purpose the petitioner shall deposit the cost in advance in the court of the Additional Chief Judicial Magistrate, West Tripura, Agartala as would be determined by the court.

Both the petitioner and the complainant shall appear before the court of the Additional Chief Judicial Magistrate, West Tripura, Agartala on 08.09.2015. The records must reach to the court of the Additional Chief Judicial Magistrate, West Tripura, Agartala well in advance before the day as appointed by this court.

With this observation and direction, this petition stands allowed and disposed of.