

25.11.2020

Mithun

Sl. No.3

S/L.

Ct.No.19

CRR/298/ 2020
(Via Video Conference)

In Ref: An application under Section 407 of the Code of Criminal Procedure, 1973 for transfer of G.R. Case No.1936/2019 arising out of Asansol(S) P.S. Case No.270/2019 dated 23.08.2019 under Section 498A/323/354/307/34 of the Indian Penal Code from the Court of Learned Chief Judicial Magistrate, Paschim Bardhaman to the Court of the Learned Chief Judicial Magistrate, Bankura.

Esa Roy
Vs.
State of West Bengal & Ors.

Mr. Pradip Kr. Roy, Adv.,
Mrs. Shraboni Sarkar

... for the petitioner

Mr. S.G.Mukherjee, Adv.,
Mr. Arijit Ganguly, Adv.

...for the State

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

Petitioner is the de facto complainant in Asansol (S), P.S. Case No.270/2019 dated 23rd August, 2019 under Sections 498A/323/354/307/34 of the Indian Penal Code. The said case is now pending before the learned Chief Judicial Magistrate, Paschim Bardhaman, Asansol.

By filing the instant application under Section 407 of the Code of Criminal Procedure, the petitioner has prayed for transferring the case from Asansol to the Court of the jurisdictional Magistrate at Bankura on following grounds, viz:

- (i) The father of the petitioner is suffering from cancer. He is the only male member who accompanied the petitioner to Asansol. However, due to his illness he cannot accompany the petitioner to Asansol.
- (ii) The petitioner is being threatened by the accused person for withdrawal of criminal case filed by her against her husband and other matrimonial relations.
- (iii) The petitioner resides within the jurisdiction of Barjora P.S. in Bankura Sub-division.
- (iv) Another proceeding under Section 125 of the Cr.P.C. filed by the petitioner is pending at Bankura.

So is the prayer for transfer.

Learned Advocate for the State of West Bengal has not raised any objection if the case is transferred from Asansol to Bankura.

In spite of service of notice, the private respondents/accused persons did not appear to raise their objection.

Considering such circumstances, I am of the view that this is a fit case where the case should be transferred from Asansol to Bankura.

Asansol (S) P.S. Case No.270/2019 dated 23.08.2019 under Sections 498A/323/354/307/34 of the Indian Penal Code be transferred to the Court of the learned Chief Judicial Magistrate, Bankura from the Court of the learned Chief Judicial Magistrate, Asansol for enquiry and trial.

The petitioner is at liberty to communicate this order by obtaining server copy of the same to both the courts below for compliance.

A copy of the order be also sent through the department to the learned Chief Judicial Magistrate, Paschim Bardhaman at Asansol and learned Chief Judicial Magistrate, Bankura for information and compliance.

(Bibek Chaudhuri, J)