

(Through Video Conference)

03 **14.09.2021**
Dd

CRR 842 of 2006

In the matter of : **Sri Prasanta Chatterjee**
Vs.
Baisakhi Chatterjee & Anr.

Mr. Pravas Bhattacharya
....for the State

Instant criminal revision under Sections 407 and 397 of Criminal Procedure Code and Section 482 of Cr.P.C. is listed today for hearing.

On repeated calls, none appears for the petitioner nor for the respondent no. 1. Learned counsel for the State submitted that it is a dispute between the parties and necessary orders may be passed as State has nothing to submit on their personal issue. The record reveals that on earlier occasion the matter went out of the list due to non-appearance of the petitioner.

In view of long pendency of this criminal revision the same is taken up for disposal on merit.

In nutshell, the case of the petitioner as laid down in this application for revision is that his wife/OP no. 1 filed misc. case bearing no. 295 of 2005 under Section 125 of Cr.P.C. now pending before the court of Chief Judicial Magistrate, Burdwan. The petitioner contended that it is difficult for him to contest the misc. case before the Court of Learned Chief Judicial Magistrate, Burdwan due to threats exhibited by his wife. The petitioner, therefore, prayed for transfer of the misc. case no. 295 of 2005 from the Court of Learned Chief Judicial Magistrate, Burdwan to any other criminal Court in the District of Howrah.

Perused the application for revision and annexures including the copy of the application under Section 125 of Cr.P.C.

sent to the present petitioner. In his application for revision. Petitioner stated that his wife/ opposite party no. 1 is a permanent residence of Burdwan whereas the petitioner/husband resides at Howrah.

In such circumstances, it is befitting that the wife/opposite party no. 1, being a lady should be in a convenient position to conduct her case before the nearest court. In my view, it would be hardship for Opposite Party no. 1 if the case is transferred to any adjoining District for the purpose of obtaining her maintenance from her estranged husband. I find no merit in the contention of the present petitioner and same is, accordingly, dismissed on its merit.

Let a copy of this order be sent to Learned Chief Judicial Magistrate, Burdwan before whom the related case is pending.

Urgent certified copy of this order, if applied for, be given to the parties after compliance of necessary formalities.

(Ananda Kumar Mukherjee, J)