

24.06.2021
Ct. No. 34
Sdas
21

C.R.R. 947 of 2017
(via video conference)

In the matter of : Vijayeta Ghoshpetitioner

Mr. Aniket Mitra
..... for the petitioner

Mr. Arijit Ganguly
Mr. Sandip Chakraborty
..... for the State

The present application appears under Section 125 of the Code of Criminal Procedure with other relevant Sections for the purpose of transferring Nischinda Police Station Case No. 65 of 2016 dated 13.03.2016 from the Court of the learned Chief Judicial Magistrate, Howrah, to the Court of the Additional Chief Judicial Magistrate, Kalna, Burdwan. The record reflects that there were number of proceedings arising out of matrimonial dispute which are set out as follows :

“The petitioner filed an application under section 125 of the Code of Criminal Procedure in the court of the Learned Additional Chief Judicial Magistrate, Kalna on 20/02/2016 which is registered as Misc case no. 33/16. The same is pending final hearing by the concerned court. The petitioner also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in the Court of the Learned Additional Chief Judicial Magistrate, Kalna on 9/2/2016 which is registered as Misc Case no 18/2016 which is also pending before the Learned Judicial Magistrate, 2nd Court Kalna for disposal. The petitioner also filed an application under section 9 of the Hindu Marriage act praying for restitution of conjugal rights

in the court of Additional District Judge, Kalna which is registered as Mat Suit no. 37/16. The said application is still pending final hearing by this Hon'ble Court."

The charge-sheet which has been enclosed in connection with the concerned case which is the subject matter of transfer reflects that all the witnesses are from the District of Burwan.

Having regard to the convenience of the litigants, I am inclined to transfer the proceedings arising out of Nischinda Police Station Case No. 65 of 2016 dated 13.03.2016 to the Court of the Additional Chief Judicial Magistrate, Kalna, Burdwan.

Report submitted by the Officer-in-Charge, Nischinda Police Station, Howrah City Police be kept with the record.

Learned Chief Judicial Magistrate, Howrah, is directed to transfer the case record to the learned Additional Chief Judicial Magistrate, Kalna, Burdwan, within a period of fortnight from date.

Learned Additional Chief Judicial Magistrate, Kalna, Burdwan, on receipt of the record, would fix date within a month thereafter and take necessary steps for proceeding with the trial of the case.

Learned Chief Public Prosecutor of the District of Burdwan is directed to monitor the case so far as it relates to receipt of all the records from the police authorities and engagement of a Public Prosecutor for conducting the case.

With the aforesaid observations, CRR 947 of 2017 is allowed.

All pending applications are disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)