

CRR 3479 of 2007

In Re: - An application under Section 397/401/407/482 of the
Code of Criminal Procedure;

And

In Re: - Sree Nirmal Maity

Petitioner

The present revisional application has been preferred in respect of M. R. Case no. 251 of 2006 under Section 125 of the Code of Criminal Procedure for the purpose of transferring the same from the Judicial Magistrate, 3rd Court, Midnapore Sadar (West) to Tamluk Court, Midnapore (East).

The points canvassed by the petitioner for transferring the case is that the petitioner is residing at a long distance from West Midnapore and it is impossible for him to appear before the court.

The records of the revisional application reflect that the matter appeared on 20.09.2007, 21.09.2007, 30.01.2008, 28.02.2008 and 11.04.2008. On 30.01.2008 a co-ordinate Bench of this court directed the petitioner to effect service upon the opposite party State through the learned Public Prosecutor as well as upon the opposite party no.2 under Registered post with A. D. and file affidavit of service on the next date of hearing. The records also reflect that the petitioner on several occasions did not take any step before the court when the revisional application was called.

I am not satisfied with the grounds so assigned in the

application for transfer. Mere long distance cannot be a reason for transferring a case from one court to another if a party to the proceedings has adhered to the provisions of the Code of Criminal Procedure and rightly invoked the jurisdiction of the court.

In view of the observations made above, no interference is called for in the revisional application. As such the revisional application being CRR 3479 of 2007 is dismissed but without any order as to costs.

Interim order, if any, is hereby vacated.

Learned trial court is directed to dispose of the maintenance application, if the same has not yet been disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)