

27.09.2022
S/L No.60
KS

C.R.R. 170 of 2021

Habiba Khatun

-Vs.-

Khairul Rahaman

Md. Shabir Ahmed

..... For the Petitioner

Affidavit of service so filed be kept with the record.

I have perused the records of the revisional application which reflect that that Complaint Case No.7 of 2018 was filed at the instance of the present petitioner before the learned A.C.J.M., Katwa thereby alleging offences under Sections 498A/ 406/ 34 of the Indian Penal Code. As a counter-blast to the same, the husband of the petitioner implicated the petitioner/wife and her family members in a case under Section 323/ 341/ 506/ 34 of the Indian Penal Code and the said case was filed before the learned C.J.M., Dakshin Dinajpur, Balurghat being, Complaint Case No.C.R. 219/2018.

Md. Ahmed, learned advocate appearing for the petitioner submits that Complaint Case No. CR 219/2018 was preferred for circumventing the proceedings being filed at the instance of the wife and the same was with the purpose of deterring of present petitioner from taking any steps and/or remedies available in law. The tenor of the case according to the learned advocate for the petitioner would reveal that the case has been filed with the object of abusing the process of law/Criminal court as a weapon of harassment.

Be that as it may, I find that the present petitioner is having a child and is suffering since the year 2017. Petitioner is staying at Katwa and has to manage her home including the child and as submitted, it would be very difficult to attend the proceedings before the Court at Balurghat, Dakshin Dinajpur. I find substantial force in the submission of Md. Ahmed, learned advocate for the petitioner.

Let CR Case No. 219/2018 (Registration No.222/2018) pending before the learned C.J.M., Dakshin Dinajpur at Balurghat and subsequently transferred to the learned Judicial Magistrate, 2nd Court, Balurghat, Dakshin Dinajpur be transferred to the Court of the learned A.C.J.M., Katwa or any Judicial Magistrate who is in seisin of Complaint Case No.7 of 2018 in the Court at Katwa.

With the aforesaid observations, C.R.R. 170 of 2021 is allowed.

Pending applications, if any, are consequently disposed of.

Department is directed to communicate this order to the learned C.J.M., Balurghat /Judicial Magistrate, 2nd Court, Balurghat preferably by 31st October, 2022.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)