

17.06.2022

Item No.29
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1431 of 2021

**Kabita Roy
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 407 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sabir Ahmed,
Mr. Dhananjoy Banerjee ... For the Petitioner.

Md. Anwar Hossain,
Mr. Narayan Prasad Agarwala,
Ms. Sreyashee Biswas ... For the State.

Mr. Samrat Choudhury ... For the Opposite Party No.2.

Affidavit-of-service filed in Court today be kept on record.

The petitioner submits that there are series of litigations pending between the families which arose out of matrimonial discord. Three of such litigations are pending before the Court at Serampore, Hooghly, while the present litigation was initiated, registered and subsequently charge-sheet submitted before the jurisdictional court at Durgapur. The petitioner prays for transfer of the said proceeding on the aforesaid grounds. Additionally, the petitioner is apprehensive regarding the proceeding before the jurisdictional court so far as access to justice is concerned.

I do not find that there are any documentary materials reflecting that the petitioner and/or other accused persons in the instant case faced any difficulty before the court at

Durgapur. The present petitioners are staying at Serampore, Hooghly. The other accused persons are also staying at Serampore, Hooghly.

In view of the inconvenience which may be caused to regularly attend the court at Durgapur, the petitioner and the other accused persons would be at liberty to take out an application under Section 205 of the Code of Criminal Procedure or under Section 317 of the Code of Criminal Procedure assigning appropriate reasons and with appropriate undertaking as per law.

Learned Magistrate would consider the same and should not insist on their physical appearance in the day-to-day proceedings until and unless the physical presence of the accused persons would deter the progress of the trial of the case.

Accordingly, prayer for transfer is refused. However, the learned trial court is directed to consider the directions and/or observations made by this Court hereinabove.

With the aforesaid observations, the revisional application being CRR 1431 of 2021 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)