

26.09.2022

Item No.63
Ct.No.34
dc.

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

C.R.R. 2648 of 2021

**Saikat Nandi & Ors.
versus
Priyanka Karmakar & Anr.**

In Re: An Application under Section 407 of the Code of Criminal Procedure.

Mr. Soumik Ganguly,
Mr. Dilip Kumar Sadhu ... For the Petitioners.

Mr. Apurba Kumar Datta ... For the Opposite Party No.1.

This revisional application was preferred by invoking the jurisdiction of the Court under Section 407 of the Code of Criminal Procedure with a prayer for transferring the Miscellaneous Case No. 425 of 2020 from the court of learned Judicial Magistrate, 7th Court, Asansol, Paschim Bardhaman to the court of learned Additional Chief Judicial Magistrate, Tamluk, Purba Medinipur. The said proceeding is under the Protection of Women from Domestic Violence Act, 2005.

Mr. Ganguly, learned advocate appearing for the petitioners submits that the parents of the petitioner no.1 happen to be aged and are permanently staying at Tamluk and it is very difficult for them to visit the court at Asansol on day-to-day basis in course of the proceedings.

Having regard to the contentions of Mr. Ganguly, learned advocate for the petitioners, I am of the opinion that the present revisional application can be disposed of with the following directions.

If the petitioner nos. 2, 3 and 4 viz., Sujan Nandi, Smt. Krishna Nandi and Amiya Samanta respectively apply before the learned Judicial Magistrate, 7th Court, Asansol for being represented by their learned advocate on day-to-day basis in the nature of an application under Sections 205/317 of the Code of Criminal Procedure, the learned Magistrate would allow them to be represented through their learned advocate on an appropriate undertaking that they would not be prejudiced if the evidence is recorded in their absence as also the fact that they would make themselves available as and when directed by the learned Magistrate.

With the aforesaid directions, the revisional application being CRR 2648 of 2021 is disposed of.

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.)