

In the matter of:- Jhum Jhum Das

...petitioner

Ms. Poulumi Dutta
... for the petitioner.

Mr. Binoy Kumar Panda,
Ms Puspita Saha,
...for the State.

Learned advocates for the petitioner and opposite party/State are present.

Instant application under Section 482 of the Code of Criminal Procedure is listed today for hearing

The petitioner is the defacto complainant and lodged FIR in Berhampore P.S. Case No. 740 of 2011 dated 1.07.2011 against the opposite party Nos. 2 to 6.

The petitioner herein has prayed for transfer of Sessions Case No 215 of 2014 arising out of Berhampore P.S. Case No. 740 of 2011 dated 13.07.2011 from the Court of learned Additional Sessions Judge, Fast Track 2nd Court, Berhampore to the Court of learned Additional District & Sessions Judge, Ramphurhat, Birbhum. Perused the application for revision, copies of FIR and charge sheet annexed with the application.

Heard learned advocate for the petitioner and learned advocate for the State.

It is submitted on behalf of the petitioner that she lodged an FIR at Berhampore Police Station on the basis of which Berhampore Police Station case No. 740 of 2011 is registered under Section 498A/325/34 of the Indian Penal Code and ultimately a Charge Sheet was submitted, bearing CS Case No. 831 of 2011 dated 27.08.2011 under Section

498A/325/307/34 of the Indian Penal Code.

The charge in the case has already been framed and the case is fixed for evidence of Sadhana Mitra, the mother of the defacto complainant. According to the petitioner, the defacto complainant and two other witnesses are residing at Rampurhat, Birbhum whereas the principal accused person Mr. Rajib Das, her husband and other in laws who allegedly tortured her physically are residing at Khagra, Berhampore.

It is the case of the petitioner that Rajib Das is threatening her and her parents for lodging the case and due to such threat exhibited by Rajib Das, the petitioner and the other witnesses would not be able to adduce their evidence. Furthermore, the Court where the trial is being conducted is situated 85 kilometers from the residence of the defacto complainant. For such reason, it is difficult for the petitioner and her aged mother to travel the distance for adducing evidence. The petitioner, at the time of filing the application had urged that she has a minor son aged about two and half years and it would be difficult for her to travel for 8 hours by bus with her child for the purpose of attending the Court. On such grounds, the petitioner prayed for transfer of the case from the Court at Berhampore to the Court of Additional District and Sessions Judge, Rampurhat.

Learned advocate for the State opposes the prayer and submits that this case is lodged within the jurisdiction to Berhampore and there is no merit in the application filed by the petitioner. It is also argued that since there is no interim order of stay from the year 2015, the case by now may have been disposed of.

Considered the submissions made by learned advocate for the contending parties. No stay order regarding proceedings of the case subsists as on date. Learned advocate for the petitioner is not in a position

to inform if the case has been disposed of or not.

I find from the application that the case was lodged by the petitioner at Berhampore, therefore, the Court at Berhampore has the jurisdiction to try this case. Furthermore, charge has also been framed against the accused persons and trial has commenced.

The petitioner has not come before the Court at the threshold for transfer, before framing of charge. The age of the mother and child of the petitioner cannot be a ground of transfer.

I find no merit in the application.

The prayer for transfer of the case is dismissed.

The revisional application stands disposed of.

Let a copy of this judgment be sent to the Court of learned Additional District & Sessions Judge, Fast Track Second Court, Berhampore for information.

The jurisdictional Court is required to dispose of the case as early as possible providing reasonable opportunity to the petitioner and her aged mother to appear before this Court on the date of evidence.

(Ananda Kumar Mukherjee, J.)