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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

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

C.R.R.168 of 2021

Sonali Saha
Versus
Uttam Kumar Saha and others

Ms. Meenal Sinha.
...for the petitioner.

Mr. Tapash Kumar Bhattacharya.
...for the opposite parties.

The revisional application has been preferred for transferring the proceedings from the court of the learned Additional Chief Judicial Magistrate, Siliguri, District-Darjeeling to any court within the jurisdiction of learned Additional Chief Judicial Magistrate, Alipurduar, District-Alipurduar.

The main reason which has been assigned by the petitioner is that she has to travel for more than five hours for coming to Siliguri and another five hours for returning from Siliguri to Alipurduar. She is presently residing at paternal home at Kumargram, Alipurduar.

The present case was filed at Siliguri at the relevant point of time as she was residing at Siliguri in her matrimonial home. The earlier order dated 05.01.2022 reflects that the

opposite parties intended to file affidavit-in-opposition by 5th February, 2022.

Learned advocate appearing for the opposite parties submits that their affidavit is almost ready and file the same within a week.

However, having regard to the time period which has elapsed and the fact that till date no farthing has been given towards maintenance to the petitioner, I am of the opinion that it causes hardship for a lady who has not yet received a penny to regularly spend about ten hours for attending the court at Siliguri.

Consequently, the proceedings arising out of Misc. Case No.125 of 2019 under the Protection of Women from Domestic Violence Act pending before the learned Additional Chief Judicial Magistrate at Siliguri, District-Darjeeling is transferred to the learned Additional Chief Judicial Magistrate at Alipurduar, District-Alipurduar.

Learned Additional Chief Judicial Magistrate, Alipurduar, on receipt of the records, would consider the interim relief prayed for by the present petitioner.

With the aforesaid observations, CRR 168 of 2021 is disposed of.

Pending application, if any, is 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 copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)