17.02.2023
Item No. 22
Ct. No. 236
AGM

CRR 1125 of 2011
with
CRAN 1 of 2011 (Old CRAN 999 of 2011)

In the matter of:- Prasanta Patra …petitioner

Mr. B. K. Roy,
Ms. Sima Biswas, … for the State.

None appears on behalf of the petitioner.

The criminal revision is pending since 2011.

I do not find any reason to adjourn the case *suo motu* rather I am inclined to dispose of the application on merit based on materials available with the record.

It is contended by the petitioner that his wife/the opposite party no. 2 has filed an application under Section 125 of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Arambagh. Thereafter, at her instance a case under Section 498A of the Indian Penal Code was registered as Arambagh P.S. Case No. 147 dated 15.6.2009 corresponding G.R. Case No. 340 of 2009, which is also pending before the Additional Chief Judicial Magistrate, Arambagh.

According to the petitioner, the opposite party No. 2 with an oblique purpose filed another application registered as CR 489 of 2009 before the learned Chief Judicial Magistrate, Burdwan under Sections 147/149/323/504/379 and 506 of the Indian Penal Code.

By filing this application under consideration, the petitioner is seeking order to transfer the said case being C.R. case No. 489 of 2009 pending in the second Court of learned Judicial Magistrate, Burdwan to the Court of learned A.C.J.M., Arambagh.

Mr. B. K. Roy, learned counsel appearing for the State rightly submits that when under the procedure of Court specific provision is available for transfer of criminal cases, the jurisdiction of 482 of the Code of Criminal Procedure may not be invoked.

Upon perusal of petition, I find that the petitioner is praying for an order under Section 410 of the Code of Criminal Procedure read with Section 482 of the Cr. P.C.

The opposite party No. 2 is a lady and it will be causing hardship to the opposite party No. 2 to attend Court from Burdwan to Arambagh.

Under such circumstances, without knowing the status of other two cases claimed to have been filed at the instance of the opposite party no. 2, I am not inclined to accede to the prayer made by the petitioner.

The revisional application being CRR 1125 of 2011 along with CRAN 1 of 2011 are thus disposed of.

(Siddhartha Roy Chowdhury J.)