

14.06.2023

Item No.73
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1562 of 2023

In the matter of : **Manoj Mondal & Ors.** ... Petitioners.

Mr. Amlanjyoti Sengupta ... For the Petitioners.

Mr. Joydeep Roy,
Ms. Sujata Das ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Ms. Sujata Das, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Petitioners pray for transfer of trial of Berhampore Police Station Case No. 1138 of 2018 dated 27.09.2018 under Sections 498A/323/364/506/34 of the Indian Penal Code wherein charge-sheet has already been submitted.

Learned advocate appearing for the petitioners submits that it would be convenient for the parties, who are staying at Tamluk and Nagpur, for participating in the trial either in the district of Howrah or Kolkata.

I find that the investigation was conducted by the police authorities of Berhampore. As such, for convenience of the parties, it would not be prudent to transfer the case from the court of the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

The petitioner no.4 viz. Gita Mondal is aged, as pointed out by Mr. Sengupta, learned advocate for the petitioners.

In case, an application under Section 205/317 of the Code of Criminal Procedure is filed by an advocate representing her by detailing the undertakings required under the said Sections, then in that case, the learned court would not insist on physical appearance of the petitioner no.4, Gita Mondal in the day to day proceedings of the court. Her appearance may be exempted in course of the trial unless without her physical appearance, the trial cannot be proceeded.

If there is any difficulty of any of the petitioners relating to health issues, the same may be brought to the notice of the learned Magistrate who would consider the same in accordance with the relevant provisions of law.

No interference is made so far as the issue relating to transfer is concerned.

With the aforesaid observations, the revisional application being CRR 1562 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)