

13.
19-12-2023
(ct. no.34)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction**

CRR 1787 of 2023

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

- A n d -

In the matter of : Sri Biswajit Mondal

.... Petitioner.

Mr. Debasis Kar,
Mr. Husen Mustafi

... For the Petitioner.

Mr. Prantick Ghosh

... For the Opposite Party No.2.

The present revisional application under Section 407 read with Section 482 of the Criminal Procedure Code has been filed seeking transfer of M. Case No.85 of 2022 pending before the Judicial Magistrate, 1st Court, Additional Court, Basirhat. The said proceeding is under Section 125 of the Code of Criminal Procedure.

As earlier directed on August 21, 2023, Mr. Debasis Kar, learned advocate, appearing on behalf of the petitioner, submits that he has paid arrears to the tune of Rs.60,000/-. To that effect, a photostat copy of the Money Receipt has been handed over to Court. The same is taken on record. A photostat copy of the Money Receipt be also handed over to learned advocate, appearing for the private Opposite Party.

As transfer has been prayed and learned advocate, appearing for the wife-opposite party, submits that there are other cases pending at Basirhat, but if the present case is

transferred to a nearby court, it will be convenient for the Opposite Party to conduct the same.

I find that Opposite Party is staying at Nalini Sarkar Street, North Calcutta. Accordingly, the proceeding being M. Case No.85 of 2022 is transferred from the Court of learned Judicial Magistrate, 1st Court, Additional Court, Basirhat to the learned Family Court, Kolkata. The learned Principal Judge or the Court authorized to take up the matter in the Family Court, Kolkata, on receipt of the records, would proceed with the case by fixing at least one date in a fortnight so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

So far as the rest of the arrears, if any, are concerned, learned advocate for the petitioner undertakes that by February 28, 2024, the same would be cleared in two installments.

The learned Judicial Magistrate, 1st Court, Additional Court, Basirhat, will send a communication to the learned Registrar (Judicial Service), High Court, Calcutta, in respect of the date on which the records are transmitted from that Court to that of the Family Court, Calcutta. The learned Family Court, Calcutta, on receipt of the records, will submit a report of compliance to the learned Registrar (Judicial Service), High Court, Calcutta. The next date for the purposes of M. Case No.85 of 2022 or any new number which is fixed by the learned Family Court, Calcutta, will be on 1st of February, 2024. Parties are directed to appear physically before the Family Court with their respective representative. Thereafter, the Family Court, according to the direction given above, would proceed with the case.

With the aforesaid observations, CRR 1787 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)