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C.R.R.1660 of 2021

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

Hrishikesh Manna
Versus
Smt. Barnali Bagli (Manna)

Mr. Sanjib Mitra,
Mr. Rajesh Kumar Shah.
...for the petitioner.

Mr. Soumik Ganguli,
Mr. Supriyo Shasmal.
...for the opposite party.

The present revisional application has been preferred for transfer of Misc. Case No.38 of 2016 (82/2016) pending before the learned Judicial Magistrate, 2nd Court, Bishnupur, Bankura.

An accommodation has been prayed for on behalf of the learned advocate appearing for the petitioner.

I find that the present revisional application was filed in the year 2021 in respect of an application under Section 125 of the Code of Criminal Procedure being Misc. Case No.38/82/2016.

Records also reflect that by an order dated 27.07.2018 the learned Judicial Magistrate, 2nd Court, Bishnupur, Bankura was pleased to direct the husband/petitioner to pay a sum of Rs.5,000/- as monthly maintenance to the wife/opposite party. The reasons so assigned in the revisional application are mainly emphasised on the distance of 150 kilometres. I find that the opposite party is staying within the jurisdiction of the court where

the litigation is pending. As such, the jurisdiction has been rightly invoked by the learned Magistrate in *seisin* of the matter. Once a case has been initiated at a court which has got jurisdiction over the same, then until and unless exceptional circumstances are demonstrated before a court of law, there is no scope for interference. Mere distance do not create such exceptional circumstances. Consequently, no interference is called for.

Accordingly, CRR 1660 of 2021 is dismissed.

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 copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)