

June 16, 2023
AD -25
Ct. 34
SG

CRR 2534 of 2022

Suman Saha
-versus-
The State of West Bengal and another

Mr. Jayanta Narayan Chatterjee
Ms. Moumita Pandit
... for the petitioner

The present application has been preferred for transfer of the proceedings from the court at Purulia to any competent court within the jurisdiction of Alipore.

Learned advocate for the petitioner submits that the matrimonial suit is pending at Alipore, the proceedings under Section 498A of Cr.P.C. are also pending at Alipore and it is only the proceedings under Section 125 of Cr.P.C. which is pending before the learned Judicial Magistrate, 1st Court, Purulia.

Learned advocate for the petitioner submits that it takes seven hours to travel from the house of the petitioner to the court which is hardship and it is about 321 km. He also submits that the proceedings be placed in a district court where it would be convenient for both the parties for participating in the trial.

I have considered the submission of the petitioner and I am of the opinion that if the jurisdiction of a court has been rightfully invoked, until and unless there are serious prejudice it is not permissible for court of law to transfer

such proceedings when the lady is staying at a particular location.

However, having regard to the plight expressed by learned advocate for the petitioner, I direct that the Judicial Magistrate would not insist on physical appearance of the petitioner on regular basis before the court if he is represented by counsel of his choice with appropriate undertakings and no dilatory tactics are adopted in such proceedings.

It would be open to the learned magistrate that if the infrastructure existing at Purulia Court permits, the magistrate would be at liberty to virtually allow examination or cross-examination of the present petitioner.

With the observations, CRR 2534 of 2022 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.

(Tirthankar Ghosh, J.)