

28-08-2023
Subha
Item no. 63
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3182 of 2023

Santi Ranjan Saha
-versus-
Abhishek Yadav and Anr.

Ms. Megha Datta
....for the petitioner.

Learned advocate for the petitioner submits that the petitioner is 73 years of age and is unable to attend the court, although he is the complainant. As such, the case No. C-211 of 2015 which is pending before the learned Judicial Magistrate, 5th Court, Barrackpore, North 24 Parganas be transferred to any court within the jurisdiction of learned Chief Judicial Magistrate, Alipore.

I have considered the statement as also the record which have been placed before this court and from the ordersheet it reflects that the complainant has been absent in course of evidence.

The jurisdiction of a case cannot be decided either with the consent of the parties and more particularly under Section 138 of the N. I. Act. In view of the legislature laying down the foundation for the court which will have jurisdiction.

Having regard to the same, I direct that the petitioner on and from the next date would appear on continuous four dates. The learned Judicial Magistrate, 5th court, Barrackpore would fix at least one date in every fortnight and take all efforts so that the

examination-in-chief and cross-examination of this witness/complainant is concluded.

For the present, I do not find any reason to interfere with the pendency of the proceedings before the learned Judicial Magistrate, 5th court, Barrackpore. Let the same be continued for the time being.

Petitioner would be at liberty to approach this court subsequently if there are change of circumstance.

With the aforesaid observations, the revisional application being CRR 3182 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]