

Form J(1)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 3713 of 2022
With
CRAN 1 of 2023**

**Jamuna Sadhukhan and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Bibaswan Bhattacharya
Mr. Arani Bhattacharyya
..for the petitioners

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. S. K. Mondal
..for the O.P. No.2

Ms. Faria Hossain
Ms. Baisali Basu
Ms. Mamata Jana
..for the State

Item No187

Heard & Judgment on: 02.05.2023

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

Though the instant application fixed for hearing today is an application for extension of interim order, since the contesting parties have already entered appearance the revisional application is taken up for hearing. The petitioners have prayed for transfer of G.R. Case No. 862 of 2017 under Sections 498A of the Indian Penal Code from the 2nd Court of the learned Judicial Magistrate, Purulia to any competent Court at Chinsurah, Hooghly. It is fairly submitted by the learned advocate for the opposite party No.2 that the appearance of the present petitioners may be directed to be dispensed with during trial provided they will not challenge their identity and even their examination under Section 313 may be made on affidavit on the basis of the decision of the Hon'ble Supreme Court in Basab Raj R. Patil's case.

The learned advocate for the petitioner has raised objection.

Having heard the learned advocates for the parties, I find that the petitioners have prayed for transfer of the above mentioned criminal case only on the ground of illness of the said petitioners. When the opposite party No.2 through his learned advocate submits that they do not require to appear and they may be represented under Section 317 of the Code of Criminal Procedure and their examination under Section 313 may be recorded on affidavit. I do not find any reason to transfer the case.

In view of such circumstances, the instant revision is disposed of directing the learned Magistrate to allow the petitioner Nos. 1 and 2 to be represented under Section 317 of the Code of Criminal Procedure during trial. The learned Magistrate shall also record that the petitioners will not dispute their identity. The petitioners will be examined on affidavit as per guidelines stated in the above mentioned case by the Hon'ble Supreme Court.

The instant revision is thus, disposed of on contest with the above direction. The learned Magistrate shall take all endeavour to dispose of the case within six months from the date of communication of this order.

(Bibek Chaudhuri, J.)