

19.04.2024
Sl.No. 7
Ct. 32
Amalranjan

ASSIGNED

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRLCP 21 of 2023
(Disposed of)
With
CRAN 1/2024

Amit Moitra
Vs.
Md. Zafar Parwej, Judicial Magistrate,
1st Class, 2nd Court, Jalpaiguri.

Mr. Amit Moitra.....petitioner (in-person)

Re: CRAN 1/2024

The instant matter has been assigned before this court for disposal.

Affidavit of service filed by the petitioner is taken on record.

Heard. It appears from the application that the petitioner prays for transfer of a criminal case being GR 73 of 2001, which is pending before the learned Judicial Magistrate, 1st Class, 2nd Court, Jalpaiguri to any suitable criminal court at Kolkata on the ground that the petitioner/defacto-complainant is suffering from cancer and undergoing dialyses at Charnock Hospital at Rajarhat, Kolkata and who is only a prime witness/victim staying at Kolkata.

This application has been filed in a criminal contempt case being no. CRLCP 21/2023, though the said criminal contempt was disposed of by the then Hon'ble Justice

Siddhartha Roy Chowdhury, vide order dated 27.02.2023. The Hon'ble Justice further given liberty to the petitioner Mr. Moitra, who is appearing in-person to take out an appropriate application, if needed.

However, the present petitioner filed this application in criminal contempt, which had already disposed of, though there is a specific provision under the Criminal Procedure Code for making an application for transfer of a case from one court to another court.

Under such circumstances, the petitioner prays before this court to allow to withdraw the application and liberty may be given to file an appropriate application afresh in accordance with law.

Accordingly, CRAN 1 of 2024 is thus disposed of as withdrawn.

Liberty is given to the petitioner to file an appropriate application in accordance with law for his grievances.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)