

Ab

In Re:- An application under Section 407(6) read with Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of : **Sri Sukdeb Saha.**

...Petitioner.

None appears on behalf of the parties nor any accommodation is prayed for on their behalf.

This revisional application was filed by petitioner Sukhdeb Saha on 18.01.2018 under Section 407(6) read with Section 482 of the Cr.P.C. and was first heard on 10th July, 2018. Since 5th June 2023, this matter is continuously appearing in the list. Repeated directions were given to the parties. However they did not appear even on last date, when the parties were directed to ensure their appearance on the adjourned date, i.e today, otherwise, necessary order would be passed on the basis of the materials available on record. Accordingly, the matter is taken up today for passing an order.

In this revisional application the petitioner Sukdeb Saha, the husband of the opposite party no. 1, Nandita Saha (Dey) prayed for Transfer of Maintenance Case No. M. 939 of 2017 from the Court of learned Judicial Magistrate, 3rd Court, Barrackpore, 24-Parganas (North) to the Court of learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj, on the ground that he is a school teacher engaged on contractual basis. The school is situated about 14 to 15 kilometers from his residence and he is the only member in his family to look after his handicapped minor son and old aged ailing widowed mother. So, it is not possible for him to appear before the Court at Barrackpore. Therefore he sought transfer of the said case to the Court of learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj from the JM 3rd Court, Barrackpore.

Nothing is available on record in support of his contention. It is

fact that complainant is the dominus litis has preference to select proper forum to file case. The interest convenience and inconvenience of wife/women is required to be given priority.

Prima facie, I do not find any merit in the instant revisional application. As such it deserves to be dismissed.

Accordingly the instant revisional application along with connected application, if any, stands dismissed.

The interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Uday Kumar, J.)