

30.4. 2024
item No.6
n.b.
ct. no. 551

CRR 3583 of 2023

Sri Partha Mukhopadhyay.
Vs.
Smt. Madhumita Mukherjee(nee Bhattacharya).

Mr. Subhasis Dey,
Mr. Victor Mukherjee,
... for the petitioner.
Mr. Rajsekhar Basu
..... for the opposite party.

The instant CRR has been preferred under Section 407 read with 482 of the Code of Criminal Procedure for transfer of criminal proceeding being M. C. Case No.170 of 2021 pending before the learned Chief Judicial Magistrate, Chinsurah, District Hooghly under Sections 12/13/14/15/16/21/22/23 of the Protection of Women from Domestic Violence Act, 2005 to the Court of Additional Chief Judicial Magistrate Serampore, Hooghly.

Learned advocate appearing on behalf of the petitioner before this Court Mr. Subhasis Dey, who representing the husband submits that the other civil cases were already transferred under the jurisdiction of Serampore, Court, but this proceeding is only pending before the jurisdiction of Chinsurah Court. He also submits that it is quite difficult for the parties to take appropriate steps in the Chinsurah Court. So, the husband/petitioner want to transfer the criminal proceeding to the Court of Additional Chief

Judicial Magistrate Serampore, Hooghly who otherwise have the jurisdiction to entertain the instant proceeding.

The wife/respondent is represented by learned advocate Mr. Rajsekhar Basu, who submits that the wife is the petitioner of the M.C. Case before the learned Judicial Magistrate, Chinsurah.

Mr. Basu, learned advocate on instruction submits that the wife has no objection if the said proceeding be transferred to the learned ACJM, Serempore.

Considering the submission made on behalf of the parties and also considering the positive assertion of the present respondent/wife/petitioner of M.C. case, I think it necessary to pass an appropriate order in this case.

Accordingly, the CRR 3583 of 2023 is disposed of with a direction that the M.C. case no.170 of 2021 pending before the learned Chief Judicial Magistrate, Chinsurah, District Hooghly under Sections 12/13/14/16/21/22/23 of the Protection of Women from Domestic Violence Act, 2005 be transferred to the Court of learned Additional Chief Judicial Magistrate Serampore, Hooghly.

The learned Chief Judicial Magistrate, Chinsurah shall take appropriate steps to transmit the case records to the learned ACJM, Serampore, Hooghly within four weeks from date of receiving of this order.

Parties are directed to appear before the learned Chief Judicial Magistrate, Chinsurah on or before May 14, 2024.

On their appearance, the learned Chief Judicial Magistrate, Chinsurah shall comply the order as directed above and

shall fix a date of appearance of the parties before the Additional Chief Judicial Magistrate, Serampore, Hooghly, till then no coercive action shall be taken against the present petitioner.

Learned Additional Chief Judicial Magistrate, Serampore, Hooghly shall dispose of the matter as early as possible according to law, after receiving the record from the Court of learned Chief Judicial Magistrate, Chinsurah, more preferably within six months from the date of receiving of the record.

On the above direction, CRR 3583 of 2023 is disposed of.

Connected applications, if any, are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)