

13.11.2024
Item. 08
Court No. 30

CRR 4372 of 2022

Sabitri Kanjilal & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Debabrata Ray
Mr. Tapan Kr. Jana
Mr. Bikas Chowdhury
Mr. Soumik Mondal
Ms. Sarbani Mukhopadhyay
.. For the Petitioners

Ms. Amita Gaur
Ms. Rita Datta
.... For the State.

1. The present revisional application has been preferred against an application under Section 407 of the Code of Criminal Procedure for transferring the G.R. Case No. 447 of 2022, arising out of Kalyani P.S. Case No. 389 of 2019 dated 07.09.2019 pending before the Court of the learned Additional Chief Judicial Magistrate at Kalyani, District-Nadia to the Court of the learned Additional Judicial Magistrate at Alipore

or to any other Judicial Magistrate's Court at Alipore, District-South 24 Parganas.

2. Affidavit-of-service filed shows that the opposite party no. 2 is not traceable.
3. Heard the learned counsel for the petitioner and the learned counsel appearing for the State.
4. It appears from the materials on record and the documents filed that a case under the domestic violence act has been initiated by the opposite party no. 2 in the year 2019 against the petitioner herein, in the Court of learned Additional Chief Judicial Magistrate, **Alipore.**
5. It further appears from the **voter list** at page 45 that the **opposite party no. 2 is a voter under the Kasba General Assembly Constituency.** The petitioner herein being the mother-in-law of the opposite party no. 2 has also initiated a case under the D.V. Act and also filed

several cases against her family members.

6. The proceeding in the present case is under Section 498A/34 IPC against the petitioner and her family members, who are the relatives of the opposite party no 2's husband.
7. It also appears that the alleged incident of torture took place at Anandapur, Kolkata. All the witnesses and the accused persons are residents of Anandapur, Kolkata.
8. It further appears that the opposite party no. 2 has also initiated the proceedings under the Domestic Violence Act in the Court at Alipore.
9. The Supreme Court in ***Umesh Kumar Sharma vs State of Uttarakhand & Ors., Transfer Petition (CRL.) Nos. 534-536 of 2019, on 16th October, 2020***, held:-

“22. While considering a plea for transfer, the convenience of parties would be a relevant

consideration. It can't just be the convenience of the petitioner but also of the Complainant, the Witnesses, the Prosecution besides the larger issue of trial being conducted under the jurisdictional Court. When relative convenience and difficulties of all the parties involved in the process are taken into account, it is clear that the petitioner has failed to make out a credible case for transfer of trial to alternative venues outside the State."

10. In the present case, the petitioners/accused persons and the witnesses, if any, reside in Kolkata. The complainant has also initiated cases in Kolkata. As such this court has to look into the convenience of all the stake holders in the said proceedings.
11. The petitioner no. 1 is the mother in law of the opposite party no. 2 and being a person senior in age is to be allowed some convenience is attending the trial.
12. Accordingly the proceedings being G.R. Case No. 447 of 2022, arising out of Kalyani Police Station Case No. 389 of 2019 is hereby withdrawn from the file

of Additional Chief Judicial Magistrate, Kalyani through the learned District Judge, Nadia and transferred to the learned District Judge, South 24 Parganas at Alipore, with a direction to transfer the file to an appropriate court for disposal, with due notice to the parties.

13. The revisional application CRR 4372 of 2022 is accordingly disposed of.

14. All connected applications, if any, stand disposed of.

15. Interim order, if any, stands vacated.

16. Let a copy of this order be sent to the learned District Judge, South 24 Parganas, the learned District Judge, Nadia and the Court of learned A.C.J.M., Kalyani for immediate compliance.

17. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)