

11.09.2025
D/L.4
Ct. No.446
Saikat

CRR/253/2025

**KRISHNANDU DAS AND ANR.
VS.
THE STATE OF WEST BENGAL AND ANR.**

In Re: An Application under section 407 of the Code of Criminal Procedure, 1973 & under section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Mr. Sanjoy Bose, Adv.
Mr. Priyankar Basu Mallick, Adv.

...For the Petitioner

1. This application under section under section 407 of the Code of Criminal Procedure, 1973 corresponding to section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for transfer of proceeding being Misc. Case No.332 of 2024 under section 12 of Domestic Violence Act pending before the court of learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur, has been filed by the petitioners on the two-fold grounds, *inter alia*, firstly, that the father of the opposite party No.2 is very influential person at Haldia, which is causing prejudice to the petitioners in representing his case before the learned court below.
2. Secondly, petitioner No.2, mother of the petitioner No.1 is a septuagenarian and has been arrayed as an accused and she is a resident of 24 Parganas (South) and it would be really difficult for her to attend the court in course of the trial of the said case.
3. That apart, it is submitted by the learned advocate representing the petitioners that the other two proceedings are pending before the Additional Chief Judicial Magistrate, Haldia, Purba Medinipur, being

CR No.236 of 2024 under sections 498A/323/506/34 of IPC read with sections 3/4 of D.V. Act and another is Misc Case No.157 of 2024 pending before the court of the learned Judicial Magistrate, Haldia, Purba Medinipur under section 125 of Cr.P.C. Complaint Case.

4. Subsequently, the petitioners had filed two separate transfer petitions before this Hon'ble Court for transfer of aforesaid cases and in both the matters the Court further examined the predicament of the petitioners and was pleased to pass the order of stay of the aforesaid proceedings before the Haldia court. Thereafter, on 10th January, 2025, the said revisional application being CRR 3792 of 2024 was disposed of by a co-ordinate Bench of this Hon'ble Court by passing an order of transfer of Misc. Case No.157 of 2024 pending before the court of learned Judicial Magistrate, Haldia, Purba Medinipur to the learned court of learned Chief Judicial Magistrate, Paschim Medinipur. The only proceeding is now pending is the complaint case being CR No.236 of 2024 as described above.
5. It is further submitted by the learned advocate appearing for the petitioners that the cause of action as mentioned in paragraph No.7 of the petition of complaint specifically reveals that it arose within the jurisdiction of 24 Parganas (South) as the alleged complaint was lodged by the opposite party No.2 against the present petitioners at Parnashree Police Station being G.D.E. No.3311/2020 dated 31st May, 2024.
6. In this regard, a decision of the Hon'ble Supreme Court has been relied upon by the learned advocate representing the petitioners in ***Kuldeep @ Kunal & Anr. vs. State of Uttar Pradesh & Anr. passed in Transfer Petition (Criminal) No.652 of 2024.***

7. Heard the submission of the learned advocate appearing for the petitioners.
8. Today no one appeared for the opposite party No.2 despite of service of the revisional application which was sent on 27th August, 2025 and the track report reveals the item was delivered on 1st September, 2025. Furthermore, it can be seen from the order dated 4th September, 2025, of this Bench that further opportunity was given to the opposite parties for their appearance. However, none appears today before this Court. Hence, this matter is heard in absence of the opposite parties.
9. On careful consideration of the entire facts and circumstances of the case and after going through the content of the written complaint filed before the learned court on the basis of which proceeding has been initiated, prima facie reveals that the marriage between the petitioner No.1 and opposite party No.2 was commenced in the year 2019 and they were blessed with two male child. However, allegation was levelled against the present petitioners for inflicting physical torture on the opposite party No.2 and since 31st May, 2024, she was driven out from her matrimonial home. Over the said incident the complaint was lodged in Parnashree police station being G.D.E. No.3311/2020. However, the address of the opposite party No.2 mentioned in this petition is at Haldia Township, Purba Mednipur.
10. It can further be seen pursuant to the direction of a co-ordinate Bench of this Hon'ble Court the matter was transferred from the court of learned Judicial Magistrate, Haldia, Purba Medinipur, to the learned court of learned Chief Judicial Magistrate, Paschim Medinipur for trial. Usually this matter is also to be transferred before the said court but since the mother of the petitioner No.1,

who is aged about 73 years has been arrayed, it would cause hardship in near future while she has to attend before the said court at Paschim Medinipur, which is far away from her place of residence at Parnashree, Kolkata.

11. Therefore, considering the decision of the Hon'ble Apex Court wherein also the identical issue was considered and considering other factors, this Court allows the application and as a consequence, the learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur, is directed to transmit the Misc. Case No.332 of 2024 along with all annexures before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas.
12. Accordingly, CRR 253 of 2025 is disposed of.
13. It is, however, made clear that this Court has not gone into the merit of the matter and the learned trial court need not be persuaded by any of the remarks made hereinabove and to proceed with the matter in accordance with law.
14. It is further made clear that this order shall not create any equity in favour of the petitioner.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.
16. Parties are directed to act on the server copies of this order duly uploaded from the official website of this Hon'ble Court.

[Chaitali Chatterjee (Das), J.]