

CRR 1175 of 2024
CRAN 1 of 2024

Tarak Nath Deb @ Tarak Nath Dev
Vs.
The State of West Bengal & anr.

Sr. Adv. Sekhar Kumar Basu,
Adv. Kusal Kumar Mukherjee,
Adv. Dipangshu Basu,

...for the petitioner.

Adv. Abhra Mukherjee,
Adv. Souradeep Dutta,

...for the victim girl.

Adv. Soumik Ganguly,
Adv. Debanshu Ghorai,

...for the State.

Heard learned counsels for the parties.

The primary contention of the petitioner is that the learned Judge, Special (POCSO) Court, Howrah has no jurisdiction to try the case since no cause of action arose within his jurisdiction. The petitioner was a resident of Giridih, Jharkhand where the incident allegedly occurred. The petitioner has shifted to Kolkata subsequently and no cause of action arose within the jurisdiction of Kolkata.

The petitioner seeks to file an application with regard to jurisdiction of the trial Court before the learned trial Court within a fortnight from date.

In the event the petitioner files such application before the learned trial Court within a fortnight from date, the learned trial Court shall deal with the application upon granting reasonable opportunity of hearing to both the parties, in accordance with law and dispose of the same on merits within one month from the date of filing such application by the petitioner, in any event prior to proceeding with the trial any further.

CRR 1175 of 2024 and CRAN 1 of 2024 are disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)