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28-01-2025
Ct. No.34
b.das

CRR No. 1730 of 2024

+
CRAN 1 of 2025

In the matter of : Itika Chakraborti petitioner.

Mr. Pallab Mohan Chakraborti ...for the petitioner.

Ms. Amita Gaur
Mr. Akash Ganguly ...for the State.

Supplementary affidavit filed by the petitioner is
taken on record.

None appears for the private opposite party despite
service of notice.

Heard learned counsels for the parties.

The petitioner has two-fold prayers in the present
application; first, she seeks transfer of the proceeding from
the Court of the learned Judicial Magistrate, Nabadwip,
Nadia to the learned Additional Chief Judicial Magistrate,
Shrirampur, Hooghly. Second, she seeks liberty to file an
application under Section 173(8) of the Code of Criminal
Procedure before the learned Trial Court and stay of the
order passed by the learned Trial Court on 30th June,
2023.

By the order impugned dated 30th June, 2023, the learned Trial Court has issued WWA against the petitioner and witness Biswajit Roy upon observing that several adjournments were taken by the petitioner/de facto complainant which depicted her reluctance in proceeding with the case.

The petitioner has filed several documents to indicate that her husband and son were extremely unwell during the relevant period for which she was unable to take necessary steps before the learned Trial Court for some time. The petitioner seeks to file an application under Section 173(8) of the Code of Criminal Procedure for further investigation of the case since, according to her, charge sheet was submitted without examining witnesses under Section 161/164 of the Code of Criminal Procedure.

The petitioner seeks transfer of the proceeding to Shrirampur Court primarily on the ground that the private opposite parties are influential persons and have active political allegiance for which the petitioner is unable to conduct the proceeding before the learned Nabadwip Court in a free and fair manner.

Upon consideration of the submission made on behalf of the parties as well as material on record, this Court is of the view that in view of the apprehension of the petitioner that she will not get justice before the Nabadwip Court and is also not able to conduct the case before the

said learned Court in a free and fair manner, the proceeding being GR Case No. 489 of 2016 pending before the learned Judicial Magistrate, Nabadwip, Nadia be transferred to the learned Additional Chief Judicial Magistrate, Shrirampur, Hooghly.

The learned Judicial Magistrate, Nabadwip is directed to transmit the case record along with annexure thereto to the Court of the learned Additional Chief Judicial Magistrate, Shrirampur, Hooghly within a fortnight from the date of communication of this order.

The learned Additional Chief Judicial Magistrate, Shrirampur, Hooghly shall either deal with the case himself or assign the same to any other Magistrate within his jurisdiction for disposal.

On prayer of the petitioner liberty is granted to file an application under Section 173(8) of the Code of Criminal Procedure before the transferee Court on the next date of hearing fixed before the said learned Court.

The order impugned dated 30th June, 2023 is set aside/quashed.

The revisional application being CRR 1730 of 2024 is disposed of.

As a consequence, the application being CRAN 1 of 2025 is also disposed of.

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

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)