

CRR 1835 of 2024

Piyali Sarkar Mondal
Vs.
The State of West Bengal & anr.

Adv. Angshuman Chakraborty,
Adv. Shashanka Sekhar Saha,

... for the Petitioner.

Adv. Arijit Ganguly,
Adv. Sreemayi Roy,

...for the State.

Report submitted by the State is taken on record.

The private opposite party is not represented.

The petitioner seeks transfer of Misc. case no.253 of 2019 from the Court of learned Additional Chief Judicial Magistrate, Kalyani, Nadia to any competent Court at Barrackpore, North 24 Parganas under the jurisdiction of the learned District & Sessions Judge, North 24 Parganas at Barasat.

Learned counsel for the petitioner submits that since the private opposite party is a resident of Nadia, the petitioner is facing resistance in approaching the Court and has been assaulted by the private opposite party in the Court premises. The petitioner apprehends that fair trial shall not be possible if the case is not transferred to some other Court for disposal.

The report submitted by the State indicates that though the petitioner lodged a general diary and filed a representation in this regard before the police, it transpired upon enquiry that the allegations of assault were not substantiated. The medical reports of the petitioner and her mother also indicate that no external injury was found on their persons.

Be that as it may, since the petitioner apprehends that she will not be able to get justice before the Nadia Court due to resistance offered by the opposite party who is a resident of the district, the case be transferred to the learned Chief Judicial Magistrate, Barasat.

The revisional application is allowed.

Misc. case 253 of 2019 pending before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia be transferred to the learned Chief Judicial Magistrate, Barasat, North 24 Parganas.

Learned Additional Chief Judicial Magistrate, Kalyani, Nadia is directed to transmit the case records to the learned Chief Judicial Magistrate, Barasat, North 24 Parganas within two weeks from date of communication of this order.

Learned Chief Judicial Magistrate, Barasat, North 24 Parganas shall either deal with the case himself or assign the same to any other learned Magistrate within his jurisdiction.

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

(Suvra Ghosh, J.)