

02.01.2025

Item No.2

Ct.No.2

kausik

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 25 of 2024

**Arijit Kaviraj & Ors.
Vs.
State of West Bengal & Anr.**

Mr. Sanjay Chakroborty
Mr. Debanjan Das

... For the Petitioner.

Mr. Arijit Ghosh

...For the OP No. 2.

Mr. Aditi Shankar Chakraborty, APP
Mr. Abhijit Sarkar

...For the State.

Petitioner has prayed for transfer of CR No. 420 of 2022 which is a proceeding under section 12 of the PWDV Act from the court of the learned Judicial Magistrate, 3rd Court, Alipurduar to the learned ACJM, Siliguri, Darjeeling.

I have considered the grounds which are on the reasons of distance for which there may be difficulties to attend the court at Alipurduar.

Learned advocate for the petitioner also submits that petitioner is engaged in a private company from where leave is practically impossible and as such the proceedings before the learned Judicial Magistrate, 3rd Court, Alipurduar may be jeopardized.

To that extent, learned advocate submits that once the petitioner could not appear and as such cost was imposed.

Learned advocate for the state as well as the private opposite party opposes the contentions.

I have considered the grounds and I am of the view that with the change of law, the grounds so assigned do not create any cause of action for transfer.

Accordingly, CRR 25 of 2024 is dismissed.

However, learned Magistrate is directed that in case the petitioners appear through virtual mode and is represented by a learned advocate and intends to continue with the proceedings, the court will not unnecessarily insist on physical appearance of the petitioners on the date so fixed.

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

(Tirthankar Ghosh, J.)