

(1998) 07 CAL CK 0043
In the Calcutta High Court
Case No : Criminal R.R. No. 169 of 1998

Mihir Saha

APPELLANT

Vs

Smt. Madhuchandra Saha and Others

RESPONDENT

Date of Decision : 21-07-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125, 407

Citation : (1999) 1 DMC 203

Hon'ble Judges : Sidheswar Narayan, J

Bench : Single Bench

Advocate : Animesh Goswami and Tapati Chatterjee, for the Appellant; Subir Banerjee, For the Respondent No. 1, for the Respondent

Final Decision : Dismissed

Judgement

Sidheswar Narayan, J.—This revisional application has been filed for the sole purpose of transfer of the proceeding u/s 125 of the Code of Criminal Procedure being M.R. Case No. 166/96 from the Court of Judicial Magistrate, Balurghat, Dakshin Dinajpur to a Court of competent jurisdiction of some other Districts, namely, Malda, or Barasat, or Krishnanagar or Calcutta.

2. The husband-petitioner has come up with a plea that on a particular date on 30.7.1997 when he went to attend the Court at Balurghat, some rowdy elements, engaged by the opposite party-wife, manhandled him but, somehow, the petitioner was however saved. This does not appear to be a valid ground to transfer the proceeding. Be it noted that the opposite party-wife was presently staying with a minor child in her parents' house. That being as such, it would not be desirable to make her to travel to a long distance to attend a Court to some other places.

3. For the reasons aforesaid, the revisional application is dismissed. The petitioner shall, however, not be precluded from moving the Court of the learned Magistrate at Balurghat to provide protection during the course for appearance in

the Court, if needed.

4. Let xerox certified copy of this order, if applied for, be given to the learned Advocate for the petitioner at the earliest.