

**HIGH COURT OF TRIPURA
AGARTALA**

Tr. P.(Crl.) No.4 of 2023

Smt. Barnali Goswami

.....Petitioner(s)

Versus

The State of Tripura

.....Respondent(s).

For Petitioner(s) : Ms. Mampi Chakraborty, Legal Aid Counsel.

For Respondent(s) : Mr. Samrat Ghosh, Addl. P.P.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

04/01/2024

Heard learned counsel, Ms. Mampi Chakraborty, who represents the petitioner as Legal Aid Counsel and Mr. Samrat Ghosh, learned Additional Public Prosecutor for the State.

[2] Petitioner wants PRC(WP) No.54 of 2023 pending before the court of the learned Judicial Magistrate, 1st Class, Dharmanagar, North Tripura, to be transferred to any court of competent jurisdiction in West Tripura District.

[3] The case was lodged under Section 325B/34 of the IPC at the behest of the petitioner, who was holding the post of Chairperson, Tripura Commission for Women, Dharmanagar. Now, her tenure has come to an end, and she has shifted to Agartala, West Tripura District. On the other hand, upon investigation, charge sheet has been submitted against the accused persons under Sections 149, 448, 354B, 323, 353, 506 & 34 of IPC by the Investigating Agency at Dharmanagar. Petitioner apprehends a threat to her life at the behest of the accused persons, since they are local powerful

people. Since she presently resides in Agartala, the case should be transferred to any court of competent jurisdiction in West Tripura District.

[4] There are no tangible materials on record to substantiate such apprehension of threat to the life of the petitioner at the behest of the accused persons. The accused persons have also not been impleaded as parties, though they may be adversely affected if the case is transferred. Otherwise, the cause of action of the criminal case instituted at the instance of the petitioner lies in Dharmanagar, and it is at the stage of trial after submission of charge-sheet by the police. Simply because the tenure of the petitioner as Chairperson, Tripura Commission for Women, Dharmanagar has come to an end and now she resides at Agartala, West Tripura District, this cannot be a basis to transfer the case from the court of competent jurisdiction at Dharmanagar to the competent court at Agartala, West Tripura. As such, this court does not find any merit in the instant petition.

[5] Accordingly, the instant petition is dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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