

**HIGH COURT OF TRIPURA**  
**AGARTALA**

Tr. P (Crl.) No.2/2020

Smt. Ekata Deb

..... Petitioner(s).

Vs.

Sri Jayanta Chakraborty and Anr.

..... Respondent(s).

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For Petitioner(s) : Ms. R Purkayastha, Advocate.

For Respondent(s) : Mr. S Debnath, Additional P.P.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

**\_O\_R\_D\_E\_R\_**

31.01.2020

Petitioner has instituted proceedings under The Protection of Women from Domestic Violence Act, 2005 before the learned Judicial Magistrate, 1<sup>st</sup> Class, Udaipur. She requests that such proceedings be transferred before a competent Court at West Tripura, Agartala.

Main ground shown is that at the time of institution of the proceedings though she was residing at Udaipur, she has now shifted her residence to Agartala. Learned counsel for the petitioner stated that the husband is, was and continues to reside at Udaipur. I am also told that the distance between Agartala and Udaipur is about 50 Kms.

I find no justification for transferring the proceedings for the stated reason.

Learned counsel for the petitioner, however, submitted that she also has a physical impairment. During the course of the arguments, the counsel stated that the petitioner for some time had also gone to Bangalore for residing. Clearly thus, the physical condition of the petitioner does not prevent her from shifting from place to place.

Learned counsel for the petitioner further submitted that at Udaipur no legal aid lawyer is able to or prepared to represent the petitioner in the said proceedings. If that be so, it would be open for the learned Judicial Magistrate to appoint any Advocate plasticising regularly in the said Court from set of the panel of lawyers maintained by the Legal Aid Committee in consultation with the petitioner. However, it is also expected that the petitioner should cooperate with any such Advocate who may be appointed.

The transfer petition is dismissed.

Pending application(s), if any, also stands disposed of.

सत्यमेव जयते ( **AKIL KURESHI** ), CJ