

GAHC010131732023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(Crl.)/20/2023

RINKI SINGH
W/O SRI BIKASH KUMAR SINGH
D/O SRI LAKSHMAN SINGH
R/O VILL- CHATAI CHAPARI, P.O. TEZPUR, P.S. TEZPUR
DIST. SONITPUR, ASSAM, PIN-784001.

VERSUS

BIKASH KUMAR SINGH AND 3 ORS
S/O LATE UPENDRA SINGH
R/O WARD NO. 1 TANGLA TOWN,
JALUKBARI (PANITANKI), P.O. TANGLA, P.S. TANGLA, DIST. UDALGURI,
ASSAM, PIN-784521

2:SRI DINESH SINGH
S/O LATE UPENDRA SINGH
R/O WARD NO. 1
TANGLA TOWN

JALUKBARI (PANITANKI)
P.O. TANGLA

P.S. TANGLA
DIST. UDALGURI
ASSAM

PIN-784521.

3:SMT. MAYA DEVI
W/O LATE UPENDRA SINGH
R/O WARD NO. 1
TANGLA TOWN

JALUKBARI (PANITANKI)
P.O. TANGLA
P.S. TANGLA

DIST. UDALGURI
ASSAM
PIN-784521

4:THE STATE OF ASSAM

REP. BY THE LEARNED PP
ASSA

Advocate for the Petitioner : MR. P SAIKIA

Advocate for the Respondent : SC, LEGAL AID

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

03. 06. 2024

1. Heard Mr. P Saikia, learned Legal Aid counsel for the petitioner. Also heard Mr. RL Chutia, learned counsel for the respondent Nos. 1,2 and 3.
2. The present application is filed under Section 407 of the Cr.P.C. for transfer of proceeding of Domestic Violence Case No. 27/2022 filed under Section 12 of the DV Act, 2005 from the learned court of CJM, Udalguri to the learned court of CJM, Sonitpur. The aforesaid application was filed by the present petitioner/wife of the respondent No. 1.
3. It is the contention of the wife that due to her health condition she is facing serious difficulty in pursuing her case in Udalguri inasmuch as she is a resident under the jurisdiction of Chief Judicial Magistrate, Sonitpur.

Therefore, if the transfer is allowed, it will tend to general convenience of the petitioner.

4. The learned counsel for the respondent Nos. 1,2 and 3 on instruction submits that the respondent/ husband is also having no difficulty if the prayer for transfer is allowed.

5. Considering the ground and also considering the stand of the respondent/ husband, this court is of the view that for the general convenience of both the parties, the matter is required to be transferred from the learned court of CJM, Udalguri to the learned court of CJM, Sonitpur.

6. Accordingly, it is provided that DV Case No. 27/2022 pending before the court of learned CJM, Udalguri be transferred to the court of learned CJM, Sonitpur.

7. Parties shall appear before the learned CJM, Sonitpur on 15.07.2024 and on appearance the learned CJM, Sonitpur shall do the needful.

8. Registry to transmit a copy of this order to the court of both learned CJM, Udalguri and CJM, Sonitpur.

9. Application stands disposed of.

JUDGE

Comparing Assistant