

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45457 of 2014

Arising out of P.S. Case No. -779 Year- 2014 Thana -GAYA
COMPLAINT CASE District- GAYA

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Smita Kumari Wife of Anupam Daughter of-Shyam Nandan Prasad Singh R/o-Mohalla-Shivpuri, Damuchak, P.S.-Kazai Mohammadpur, District-Muzaffarpur at present residing at Prabhat Nagar Colony, R.No.3, Bhagwanpur, P.S.-Sadar, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 28.08.2015

No one appears on behalf of the Opposite Party

No. 2 despite repeated calls.

The Petitioner who is the wife seeks transfer of Complaint Case No. 779 of 2014 from the Court of the Chief Judicial Magistrate, Gaya to the Court of the Chief Judicial Magistrate, Muzaffarpur on the ground that she is residing there.

The submission is that even the Opposite Party No. 2 is also the permanent resident of Muzaffarpur and, hence, there is no difficulty for him to attend the Court there. Moreover, one Maintenance Case filed by the Petitioner is pending before the Family Court, Muzaffarpur.

In view of such, let Complaint Case No. 779 of

2014 pending before the Chief Judicial Magistrate, Gaya be transferred to the Court at Muzaffarpur within a period of three weeks from the date of receipt of this order after noticing the Complainant.

It is made clear that the Court at Muzaffarpur shall not insist on appearance on the accused persons on any other dates but at the stage of framing of charge under Section 313 Cr.P.C. and judgment and conclude the trial expeditiously without granting unnecessary adjournment to any party.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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