

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16950 of 2016

Arising Out of PS.Case No. -1010 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. RAGINI KUMARI JAISWAL@ RAGNI KUMARI JAISWAL Wife of Kaushal Kumar Jaiswal, Daughter of Radheshyam Prasad Jaiswal At present Resident of, at present Resident of village - Nuaon, P.S. - Nuaon, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kaushal Kumar Jaiswal, Son of Late Vijay Shankar Prasad Jaiswal, Resident of Shobhaganj Ward No. 37, P.S. - Sasaram Nagar, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Sangita Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 13-12-2016 Heard learned counsel for the parties.

This application under Section 407 of the Code of Criminal Procedure, 1973 has been filed seeking transfer of Sasaram (T) P.S. Case No. 1010 of 2014 pending in the Court of learned Sub Divisional Judicial Magistrate, Sasaram to the Court of learned Chief Judicial Magistrate, Kaimur (Bhabhua).

The petitioner is the wife of Opposite party No.2. She has lodged the First Information Report disclosing offences under Sections 341,323,504,506,498A read with Section 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



The ground, which has been taken in the application, is that the petitioner is residing with her father at Kaimur (Bhabhua) and since her father is an old man, it is difficult for him to attend the Court at Sasaram in order to pursue the said criminal case. It has also been stated that the Opposite party No.2 is resident of Sasaram Town and has association with bad elements and on that strength, he has on several occasions pressurized the petitioner to withdraw the criminal case.

Learned counsel appearing on behalf of the petitioner has also submitted that these facts had also been brought to the notice of the Court of learned SDJM, Sasaram.

From the pleadings in the application, I find that two grounds have been taken for transfer of the case. Firstly, that the petitioner is residing at Kaimur with her father and secondly, since the Opposite party No.2 is the resident of Sasaram he is threatening the petitioner to withdraw the criminal case. So far as second ground is concerned, the statement made in the application is completely vague and does not refer to any specific incident at all. Secondly, merely on the basis of convenience of a party, this Court is not required to invoke jurisdiction under Section 407 of the Code of Criminal Procedure, 1973, by transferring a case from the Court of competent jurisdiction to another Court. Learned



counsel for the petitioner has also submitted that the Opposite party No.2 has obtained anticipatory bail from this Court by suppressing materials fact for which he has applied for cancellation of bail. That is altogether a different matter not connected with the issue of the petitioner's claim for transfer of a case from one Court to another.

I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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