

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2031 of 2016

Arising Out of PS.Case No. -1044 Year- 2011 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Rajni

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. H.S. Roy, Advocate.
For the State : Mr. Renuka Ratnakar(App)
For the O.P. Nos. 2 to 6 : Mr. Arun Kumar Arun, Advocate.
Mr. Shankar Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 06-12-2016 This application has been filed seeking transfer of

Complaint Case No. 1044 of 2011 from the Court of learned Chief

Judicial Magistrate, Nawada to the Court of learned Chief Judicial

Magistrate, Chapra (Sasaram).

The said complaint case has been filed by the petitioner
against Opposite Parties No. 2 to 7 making allegation of
commission of offence punishable under Sections 341, 323,
498(A), 307, 406 and 504/120(B) of the Indian Penal Code read
with Section 3/4 of the Dowry Prohibition Act.

The complaint case was admittedly filed by the
petitioner. The only ground for transfer of the case from Nawada
to Chpara has been taken in the present application is that she was
living with her father at Nawada when he was in service and after



his superannuation, she has started living with her father at Chapra.

Learned counsel for the petitioner submits that it would be convenient for the petitioner if the case is transferred from the Court of Nawada to the Court of Chapra. Such cannot be a ground for exercise of power under Section 407 Cr.P.C. Learned counsel further submits that in such circumstances, this Court may take a lenient view in favour of the wife. However, such lenient view has to be taken within the parameters of exercise of power under Section 407 of the Cr.P.C.

I do not find it to be a fit case for exercise of power under Section 407 of the Cr.P.C.

This application has no merit and is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Prakash/-

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