

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50851 of 2016

Arising Out of PS.Case No. -842 Year- 2016 Thana -SARAN COMPLAINT CASE District-SARAN

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1. Namita Kumari W/o Navin Kumar Resident of Village Shitalpur Kothi; P.S. Dariyapur, District Saran; Present Address D/o Late Sunil Kumar Thakur; Resident of Village Balha; P.S. Chakmehsi District Samastipur.

.... Petitioner/s

Versus

1. Navin Kumar S/o Late Umanath Pandey Resident of Village Shitalpur Kothi; P.S. Dariyapur; District Saran.
2. Sita Devi W/o Late Sunil Kumar Thakur Resident of Village Balha; P.S. Chakmehsi; District Samastipur.
3. Kumar Ripusudan S/o Late Sunil Kumar Thakur Resident of Village Balha; P.S. Chakmehsi; District Samastipur.
4. Raushan Kumar @ Amit Kumar S/o Arvind Kumar Resident of Village Balha; P.S. Chakmehsi; District Samastipur.
5. Ramesh Chandra Sharma S/o Late Ram Kewal Rai
6. Sangita Sharma W/o Late Umesh Chandra Sharma Both residents of Village Dighara; P.S. Pusa; District Samastipur. Present Address of O.P. no. 5 Ward no. 06 Gali no. 01 Goutam Nagar, P.S. Goutam Nagar, District Kashipur, Uttrakhand.
7. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 19-12-2016

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

2. The petitioner is the wife of Opposite Party No.

1. She seeks transfer of Trial No. 1003 of 2016, arising out of



C. R. No. 842 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate IV, Chapra, from Chapra Sessions Division to Samastipur Sessions Division, for trial and disposal.

3. The concerned complaint case has been filed by the husband of the petitioner making allegation of assault and snatching away valuables.

4. It is evident from the records that a decree of divorce has been granted in favour of the Opposite Party No. 1. Allegedly, the petitioner and her family members were pressurizing Opposite Party No. 1 to get the decree of divorce nullified. It is the case of the petitioner that it is purely a matrimonial dispute between her and Opposite Party No. 1.

5. It also transpires that the petitioner has also filed a complaint case for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, being Complaint Case No. 962 of 2015, which is pending in the Court of the learned Sub Divisional Judicial Magistrate, Samastipur, in which cognizance of the offence has been taken. Except for a vague plea that family members of the husband of the petitioner are cunning persons, having connection with anti-social elements, no other special ground has been taken, which would have warranted this Court to invoke provisions of Section 407 of



the Code. The plea of apprehension raised in the application that she will be mistreated and may be eliminated if she goes to Chapra Court, does not have any apparent basis.

6. I find no merit in this application. It is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.12.2016
Transmission Date	30.12.2016

