

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46758 of 2015

Arising Out of PS.Case No. -1521 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Sabiha Khatoon @ Shabnam Perween Wife of Hasiv Raja @ Juhi,
Daughter of Md. Jahagir Alam Presently Residing at village - Manikpur,
P.S. - Puri, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Hasiv Raja @ Juhi Son of Abdul Halim
3. Abdul Halim Son of Late Munsu Abdul
4. Md. Hasnain Raja @ Chandi Son of Abdul Halim
5. Yasbin Praveen Wife of Abdul Hakim All Resident of Village - Paroha,
P.S. - Dumara, District - Sitamarhi.
6. Rana Khatoon Wife of Md. Anjaru Haque Resident of Village - Mauna,
P.S. - Runnisaidpur, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 13-12-2016 A supplementary affidavit is being filed, giving the correct party position, which according to the petitioner has wrongly been mentioned in the main application. Let it be kept on record.

The petitioner is wife of opposite party No. 2. She has lodged Complaint Case No. C1-1521 of 2014 making allegation of commission of offence punishable under various Sections of the Indian Penal Code including Sections 498A and



307 and Section 3/4 of the Dowry Prohibition Act. The opposite parties No. 3 to 6 are in-laws of the petitioner.

Present application has been filed under Section 407 of the Code of Criminal Procedure, 1973 seeking transfer of the said complaint case, which is pending in the court of learned Sub Divisional Judicial Magistrate, Sitamarhi to the court of any Judicial Magistrate at Patna.

The sole ground, which has been taken in this application for transfer of the cases that father-in-law of the petitioner (opposite party No.3) is practising advocate at Sitamarhi because of which, he is interfering with the judicial process of the court. Except a bald statement to this effect in paragraph 10 of this application, there is nothing concrete to substantiate that the opposite party No. 2 has interfered with or had attempted to interfere with the judicial process.

Learned counsel for the petitioner has submitted that the petitioner is presently residing at Patna and, therefore, she being a lady, it would be convenient for her, if the case is transferred to Patna.

I do not find any merit in the said submission. Since from the affidavit portion of the present application, I find that the petitioner has specifically stated that she was residing at the time



of filing of the application at village-Manikpur, Police Station-Puri of district-Sitamarhi. The opposite parties No. 2 to 6 are resident of village-Mauna under Runnisaidpur Police Station of district Sitamarhi.

No case for transfer of the said compliant case is made out on the basis of plea taken in this application.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

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