

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52881 of 2016

Arising Out of PS.Case No. -40 Year- 2012 Thana -MAHILA P.S. District- MUNGER

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1. Shyam Babu Yadav Son of Yamuna Prasad Yadav Resident of Mohalla-Christian Quarter, Bettiah, P.O. and P.S.- Bettiah(Town), District West Champaran.+

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ankita Bharti D/o Sachidanand Yadav Resident of Mohalla- Krishna pur, Munger, P.O. and P.S. Munger, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kr. Shrivastava

For the Opposite Party/s : Mr. Yogendra Kumar, 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. This application, under Section 407 of the Code of Criminal Procedure, 1973, has been filed for transfer of Munger Mahila Police Station Case No. 40 of 2012, which has been registered for the offences punishable under Sections 498A, 307, 504 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The petitioner seeks transfer of the criminal proceeding arising out of the said Munger Mahila Police Station



Case No. 40 of 2012, on the ground that no offence can be said to have been committed, fully or partially, within the jurisdiction of the Magistrate's Court at Munger.

4. The said plea cannot be a ground for transfer of case in exercise of power under Section 407 of the Code of Criminal Procedure, 1973.

5. If, according to the petitioner, the Court, which has taken cognizance or the Court where the matter is pending, has no jurisdiction at all, he could have taken recourse to other provisions of law, but not under Section 407 of the Code of Criminal Procedure, 1973.

6. This application has no merit. It is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.12.2016
Transmission Date	20.12.2016

