

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19158 of 2017

Arising Out of PS.Case No. -277 Year- 2016 Thana -BAKHTIARPUR District- SAHARSA

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1. Farzana Khatoon, W/o Md. Majhar, resident of Village- Ashraf Chak,
P.S.- Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Islam, son of Late Mahboob,
3. Md. Mazhar, son of Md. Islam,
4. Md. Sabir, son of Md. Islam,
5. Md. Mumtaz, son of Md. Islam,
6. Unia Khatoon, W/o Md. Islam,
7. Minia @ Meena Khatoon, W/o Md. Sabir,
8. Sahzadi Begam, W/o Md. Mumtaz, O.P. No.2 to 8 are resident of
Village- Gogri Jamalpur, P.S.- Gogri, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-04-2017 The petitioner is wife of Opposite party No.3. She has got registered Bhakhtiyarpur P. S. Case No. 277 of 2016, for the offence punishable under Sections 341,323,498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The Opposite parties No. 2,4,5,6,7 and 8, who are members of the petitioner's husband's family, have been made accused in the said case, which is pending in the Court of learned Chief Judicial Magistrate, Saharsa.

The present application under Section 407 of the Code



of Criminal Procedure, 1973 has been filed seeking transfer of the said case from the Court of learned Chief Judicial Magistrate, Saharsa to the Court of equivalent jurisdiction under the District Judgeship of Munger.

Learned counsel for the petitioner has submitted that the petitioner resides at Munger and she being a lady, it will be convenient for her, if the said criminal case is transferred to Munger.

I do not find any merit in the contention, more so, because the proceeding arises out of police case. Inconvenience or convenience of a party cannot be a ground for transfer of a criminal case as has been held by the Supreme Court in case of *Jyoti Mishra Vs. Dhananjaya Mishra* reported in (2010) 8 SCC 803.

This application has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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