

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30385 of 2016

Arising Out of PS.Case No. -213 Year- 2011 Thana -DANAPUR District- PATNA

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1. Suresh Kumar Sharma S/O- Late Babulal Sharma, R/v- Bhagwan Bazar,
Near Sisa Godam, Krishna Colony, P.S. Bhagwan Bazar, Distt. Chhapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiwangi Kumari @ Shiwangi Sharma, W/O Sri Suresh Kumar Sharma,
D/O- Sri Shambhu Lal Vishwakarma, R/v- Chitrakur Nagar, Road No. 12,
Takiyapar, P.S.- Danapur, Distt.- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Kumar, Sr. Advocate
With Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. P.K. Shahi, Sr. Advocate
With Sri Indra Kumar Singh
For State : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 11-01-2017 The present order is being passed with the consent of
the parties.

I have heard Mr. Vindhya Keshri Kumar, learned
Senior Counsel for the petitioner and Mr. P.K. Shahi, learned
Senior counsel appearing on behalf of Opposite party No.2.

The petitioner is the husband of Opposite party No.2.
Opposite party No.2 has filed a criminal case being Danapur P.
S. Case No. 213 of 2011 for the offence punishable under Section
498A/34 of the Indian Penal Code and Section 34 of the Dowry
Prohibition Act, which is pending in the Court of learned Sub



Divisional Judicial Magistrate, Danapur.

The Opposite party No.2 is resident of Danapur, Patna, whereas the petitioner is a permanent resident of Chapra.

This application has been filed under Section 407 of the Code of Criminal Procedure, 1973 seeking transfer of the trial arising out of the said G. R. No. 1286 of 2001 from the Court of learned Sub Divisional Judicial Magistrate, Danapur to a Court of equivalent jurisdiction under the Judgeship of Saran at Chapra. The plea for such transfer is that even if the allegation as contained in the First Information Report are treated to be true, no cause of action can be said to have arisen within the territorial jurisdiction of the Court where the First Information Report has been lodged.

However, after some argument learned Senior Counsel appearing on behalf of the petitioners as well as the Opposite party No.2 have agreed that none of them will have any objection if the trial is transferred to any Court of equivalent jurisdiction at Patna instead of Danapur. This is because a matrimonial case between them seeking dissolution of marriage is pending before the Family Court, Patna.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that at no stage of trial nor at any



subsequent stage the petitioner shall take any plea of lack of territorial jurisdiction if the matter is transferred to a Court in Patna.

In view of the submissions made on behalf of the parties and in peculiar facts and circumstances of the present case, it is directed that let the trial arising out of Danapur P.S. case No. 213 of 2011 corresponding to G. R. No. 1286 of 2011 be transferred from the Court of learned Sub Divisional Judicial Magistrate, Danapur to a Court of equivalent jurisdiction at Patna.

It is made clear that the trial at Patna shall proceed from the stage up to which the trial at Danapur had reached so far.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

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