

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11961 of 2016

Arising Out of PS.Case No. -125 Year- 2015 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Usha Kumari W/o Raj Kishore Gupta@Raj Kishore Kumar Gupta, D/o
Ram Sajjan Sah R/o Village- Harana ,Ps Motipur , District Muzaffapur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kishore Gupta@Raj Kishore Kumar Gupta R/o Village-Madhampur
Kesho, PS Rajepur, District East Champaran. Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 30-01-2017 Though this case has been listed under the heading
“Orders (On office notes)” pointing out certain defects, it has been
considered appropriate to dispose of this application merits.

2. I have heard learned counsel for the petitioner on
merits.

3. The petitioner is the informant of Rajepur P. S. Case
No. 125 of 2015 registered for the offence punishable under
Sections 498A/341/323/504/506 read with Section 34 of the
Indian Penal Code. Opposite party No.2 is the husband of the
petitioner.

4. The petitioner seeks transfer of the aforesaid criminal



case from the Court of learned Chief Judicial Magistrate, Motihari to any competent Court in the jurisdiction of Muzaffarpur Civil Court at Muzaffarpur. The sole ground, which has been taken in the application for transfer as mentioned in paragraph 5 is that the petitioner is residing with her father at Muzaffarpur and that she has filed a matrimonial divorce case in the Family Court Muzaffarpur.

5. I am afraid, this cannot be a ground for transfer of a criminal case from one Court to another. Law on this aspect is well settled in case of *Jyoti Mishra Vs. Dhananjaya Mishra* reported in *(2010) 8 SCC 803*.

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

(Chakradhari Sharan Singh, J)

ArunKumar/-

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