

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16566 of 2017

Arising Out of PS.Case No. -2238 Year- 2016 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

- =====
1. Sushila Kumari @ Priya Singh, D/o Ram Sewak Singh,
 2. Ram Sewak Singh, Son of Late Shivjee Singh,
 3. Chameli Devi, Wife of Ram Sewak Singh,
- All are R/o Udama Rekha Chowk, P.S.- Muffasil, District- Katihar.
4. Rajeev Ranjan Singh, Son of Late Jagannath Singh,
 5. Banarsi Devi, W/o Late Jagannath Singh,
- Both are R/o Vishunpur Bande, P.S.- Bhagwanpur, Distt.- Vaishali.

.... Petitioners

Versus

1. The State of Bihar.
2. Pranav Kumar, Son of Baidyanath Singh, R/o Hasanpur Bujurg, P.S.- Jandaha, District- Vaishali.

.... Opposite Parties.

With

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Criminal Miscellaneous No. 16326 of 2017

Arising Out of PS.Case No. -433 Year- 2016 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

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Sushila Kumari @ Priya Kumari, D/o Ram Sewak Singh, R/o Village – Bishunpur Bande, P.S. Bhagwanpur, Distt. – Vaishali, at present R/o Udama Rekha Chowk, Nanihari Road, P.S. Muffasil, Katihar, Distt. Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Pranav Kumar, Son of Baidyanath Singh, R/o Hasanpur Bujurg, P.S.- Jandaha, District- Vaishali.

.... Opposite Parties.

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Appearance:

(In Cr. Misc. No.16566 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party-State : Mr. (APP)
For the Opposite Party No. 2 : None.

(In Cr. Misc. No.16326 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party-State : Mr. (APP)
For the Opposite Party No. 2 : None.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT



Date: 19-05-2017

There is no representation on behalf of Opposite Party no. 2 despite service of notice.

2. The present applications have been filed under Section 408 of the Code of Criminal Procedure, 1973 seeking transfer of two cases. Cr. Misc. No. 16326/2017 has been filed for transfer of proceedings of Complaint Case No. 433/2016 filed by Opposite Party no. 2 from the court of learned Judicial Magistrate 1st Class, Vaishali at Hajipur to the court of equivalent jurisdiction at Katihar. Cr. Misc. No. 16566/2017, on the other hand, has been filed by the same petitioner as petitioner no. 1 and some other persons for transfer of proceedings arising out of Complaint Case No. 2238/2016 filed by Opposite Party no. 2 giving rise to T.R. No. 3585/2016. The complainant in both the cases is the same person, who has been impleaded as Opposite Party no. 2 in both the cases. He is the husband of the petitioner in Cr. Misc. No. 16326/2017 and the petitioner no. 1 in Cr. Misc. No. 16566/2017.

3. Seeking transfer of these two cases under Section 408 of the Code of Criminal Procedure, learned counsel for the petitioner has submitted that Opposite Party no. 2, only for the purpose of harassing the petitioner and his family members, is filing cases one after the other. It has also been submitted that there are five cases



pending between the petitioner and Opposite Party no. 2 at Katihar and he is regularly attending those cases at Katihar, and if these cases are transferred to Katihar, it will prejudice none.

4. I have perused the complaint petitions filed on behalf of Opposite Party no. 2 leading to registration of the aforesaid cases which gives a *prima facie* look that Opposite Party no. 2 and the petitioner, who are litigating, have lodged several cases. So far as these two cases are concerned, evidently, there are matrimonial disputes, for which cases are pending at Katihar.

5. In the facts and circumstances of the case, I consider it appropriate to transfer these two cases from the court of learned Judicial Magistrate 1st Class, Vaishali at Hajipur to a court of competent jurisdiction under the Judgeship of Katihar. Let the entire records of the proceedings arising out of the said cases, Cr. Misc. No. 16326/2017 and Cr. Misc. No. 16566/2017, be transferred to the court of the learned Sessions Judge, Katihar for being allotted to a court of equivalent jurisdiction under his jurisdiction.

6. These applications are accordingly allowed.

(Chakradhari Sharan Singh, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.06.2017
Transmission Date	N/A

