

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10556 of 2016

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1. Basant Tiwary son of Harishankar Tiwari resident of Mohalla - Balisarai,
Police Station - Motihari (Town), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sidhi Devi @ Pinki wife of Basant Tiwary, D/o Shri Braj Narayan
Shukla Resident of Narayanpur, Bagaha - II, Police Station -Patkhauli,
Bagaha, District - West Champaran.

.... Opposite Party/s

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with

Criminal Miscellaneous No.42746 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Basant Tiwary son of Harishankar Tiwari resident of Mohalla - Balisarai,
Police Station - Motihari (Town), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sidhi Devi @ Pinki wife of Basant Tiwary, D/o Shri Braj Narayan
Shukla Resident of Narayanpur, Bagaha - II, Police Station -Patkhauli,
Bagaha, District - West Champaran.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.10556 of 2016)

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Dinesh Singh (App)
For O. P. No. 2 : Mr. Baxi S. R. P. Sinha, Sr. Adv.
Mr. Zainul Abedin, Adv.

(In Cr.Misc. No.42746 of 2016)

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Sanjay Kumar Sharma
For O. P. No. 2 : Mr. Baxi S. R. P. Sinha, Sr. Adv.
Mr. Zainul Abedin, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

7 31-01-2017

Heard learned Counsel for the petitioner,



learned Senior Counsel appearing on behalf of Opposite Party No. 2 and learned Additional Public Prosecutor representing the State.

These two applications are being disposed of with the consent of the parties in the facts and circumstances of the present case.

The petitioner is husband of Opposite Party No. 2. Opposite Party No. 2 has filed Motihari Town Police Station Case No. 609 of 2013, making allegation of commission of offences punishable under Section 498A and other provisions of the Indian Penal Code against the petitioner and his family members. Subsequently, she filed Criminal Misc. No. 47679 of 2015, under Section 407 of the Code of Criminal Procedure, 1973, for transfer of the said Motihari Town Police Station Case No. 609 of 2013, Divorce Case No. 64 of 2013 and Complaint Case No. 2059 of 2013. The Divorce Case No. 64 of 2013 has been filed by the petitioner for dissolution of marriage; whereas, Complaint Case No. 2059 of 2013 has also been filed by the petitioner.

With the consent of the parties, the said Criminal Misc. No. 47679 of 2015 came to be disposed of by an order, dated 22.01.2016 with a direction for transfer of the said cases to competent jurisdiction of "Bagaha



Sessions Division”.

The present Criminal Misc. No. 10556 of 2016 has been filed seeking modification of the said order only to the effect that “Bagaha Sessions Division in the said order has wrongly been typed in place of Sessions Division, West Champaran, at Bettiah”.

It is true that there is no Bagaha Sessions Division; rather, Sessions Division is West Champaran, at Bettiah.

Learned Counsel appearing on behalf of Opposite Party No. 2 has fairly submitted that there is typographical error in the said order, dated 22.01.2016, to that extent, which order was passed in his presence. He does not have any objection if the said order is modified making it clear that said cases shall stand transferred to West Champaran Sessions Division, at Bettiah.

The order, dated 22.01.2016, passed in Criminal Misc. No. 47679 of 2015, stands modified accordingly.

Criminal Misc. No. 10556 of 2016 stands disposed of.

In view of the order, which has been passed in Criminal Misc. No. 10556 of 2016, learned Counsel for the petitioner seeks permission to withdraw Criminal Misc. No. 42746 of 2016.



Criminal Misc. No. 42746 of 2016 is dismissed
as withdrawn.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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