

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Cr) No. 25 of 2016**

1. Kriti Kumar Mishra S/o Shri Santosh Kumar Mishra Aged About 34 Years R/o Bhathi Road Kedarpur Amibapur District Surguja Chhattisgarh.
2. Santosh Kumar Mishra S/o Somdutt Mishra Aged About 56 Years R/o Bhathi Road Kedarpur Amibapur District Surguja Chhattisgarh.
3. Smt. Shima Mishra W/o Santosh Mishra Aged About 52 Years R/o Bhathi Road Kedarpur Amibapur District Surguja Chhattisgarh.
4. Mayank Mishra S/o Santosh Mishra Aged About 32 Years R/o Bhathi Road Kedarpur Amibapur District Surguja Chhattisgarh.

---- Petitioners**Versus**

- Smt. Shail Mishra W/o Kriti Kumar Mishra Aged About 30 Years R/o Lota, Bagicha, P.S. And Tahsil Bagicha, District Jashpur Chhattisgarh.

---- Respondent

For Petitioners : Mr. A.N. Pandey, Advocate
 For Respondent : Mr. M.K. Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07.03.2017**

1. The present Petition under Section 407 of the Cr.P.C. has been filed seeking for transfer of Misc. Criminal Case No. 25/2016 pending before Judicial Magistrate First Class, Bagicha District Jashpur to the Court at Ambikapur.
2. The Petitioner has sought for transfer of the said case on the ground that the Petitioner-husband has already instituted proceeding under Section 9 of the Hindu Marriage Act before the Family Court, Ambikapur which is pending consideration and another case under Section 498 of the IPC is also in progress at Ambikapur which has been filed at the instance of

Respondent wife against the Petitioner husband and his brother. Therefore, for the sake of convenience the Criminal Case pending before the JMFC, Bagicha may also be transferred to the Court at Ambikapur so that cases can be prosecuted together and it would be convenient to all the parties.

3. At this juncture Shri M.K. Sinha, Counsel appearing for the Respondent submits that the Criminal Case pending consideration before the JMFC, Ambikapur has already reached to its fag end. The pleading and the evidence have already been concluded and the matter now has been fixed for final hearing. As such, presence of either of the parties in the said case would not be required any further. He further submits that taking into consideration the fact that she is a lady and Ambikapur is quite far from Bagicha and she would have to face great inconvenience going to Ambikapur. The present Petition may be rejected particularly taking into consideration the Petitioner husband being male person it would be convenient for him to travel from Ambikapur to Bagicha when compared to the inconvenience the Respondent wife would face.
4. In view of the same this Court does not find any good ground for transferring the Case from JMFC, Bagicha to the Court at Ambikapur.
5. Accordingly, the present Transfer Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE