

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61799 of 2017

Arising Out of PS.Case No. -1498 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Sumeet Gupta S/o Sushil Gupta,
2. Sushil Gupta, S/o Ugrasen Gupta
3. Savita Gupta W/o Sh. Sushil Gupta
4. Saurabh Gupta, S/o Sushil Gupta, All Resident of R.H 60 Blue Bells,
Behind Prozon Mall, P.S. Chilkalthana, Aurangabad, Maharashtra- 431001.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prachi Gupta W/o Sumeet Gupta, Resident of C/o Ratnlaalji Shankarlaal
Khetan, Brahmantoli, Purani Bazar, P.S. Sadar Mujaffarpur, Bihar- 842001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar

For the Opposite Party/s : Mr. Ravi Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 07-03-2018 Heard the learned counsels for the parties.

This is an application seeking transfer of Complaint
Case No. 1498 of 2016, pending in the court of learned Chief
Judicial Magistrate, Muzaffarpur to any competent court of equal
jurisdiction at Patna.

It has been submitted that a case had been filed by the
petitioner/husband of opposite party No. 2 at Maharashtra for
seeking divorce from opposite party No. 2. The opposite party No.
2 had also preferred a case at Muzaffarpur for maintenance under
Section-125 of the Code of Criminal Procedure against petitioner
No. 1. Thereafter, a petition was moved in the S.C. of India by



opposite party No. 2 to have the case lodged by petitioners at Maharashtra transferred to Muzaffarpur. Simultaneously, the petitioners also preferred similar petition before the Hon'ble Supreme Court for transferring the case lodged by the O.P. No. 2 from Muzaffarpur to Patna as the petitioners had difficulties in coming all the way to Muzaffarpur to contest the case.

The aforesaid two cases were transferred to Patna by the Hon'ble Supreme Court of India by order dated 06-02-2017 passed in Transfer Petition (Civil) No. 1975 of 2016 and Transfer Petition (Civil) No. 144 of 2017.

Learned counsel for the petitioners has submitted that the subject Complaint case namely Complaint Case No. 1498 of 2016 was lodged against the petitioners by opposite party No. 2 about which, they had no knowledge. The petitioners came to learn about the present case only after cognizance was taken against them. It has therefore been submitted that if two cases are already being contested at Patna, it would only be convenient for the petitioners as well as opposite party No. 2 that this Complaint Case be also transferred at Patna.

Mr. Ravi Ranjan, learned advocate appearing for opposite party No. 2 however stated that when the transfer petition was moved in the Supreme Court, there was no reference



of the present criminal complaint lodged by her against the opposite parties. That apart, it has been submitted that both the cases which have been transferred by the Hon'ble Supreme Court to Patna would be tried by the Family Court at Patna but the criminal case would have to be tried by a different court. The opposite party No. 2 would find it very inconvenient to bring the witnesses in the criminal case from Muzaffarpur to Patna. It has also been submitted by opposite party No. 2 that a criminal case has also been lodged by the petitioners against opposite party No. 2 and her family members at Maharashtra.

However, regard being had to the fact that two cases have already been transferred by the Hon'ble Supreme Court to Patna by order dated 06-02-2017 passed in Transfer Petition (Civil) No. 1975 of 2016 and Transfer Petition (Civil) No. 144 of 2017, this court feels inclined to transfer the Complaint Case No. 1498 of 2016 also to a court of competent jurisdiction at Patna.

Accordingly, the Complaint Case No. 1498 of 2016 is transferred from Muzaffarpur to Patna.

The District Judge, Patna shall assign the case to a competent Magistrate or would ask the learned Chief Judicial Magistrate to do the same. The records shall be transferred from Muzaffarpur within a period of one month from the date of



communication/production of copy of this order.

Till the transfer of records of the case to Patna, the proceeding before the learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 1498 of 2016 shall remain stayed.

The whole process of transfer of the records be completed within the aforesaid period of one month.

Accordingly, this transfer petition is allowed.

(Ashutosh Kumar, J)

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