

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1079 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Siwan

Dhnanjay Kumar Shahi	Versus	... Petitioner
The State Of Bihar		... Respondent

Appearance :

For the Petitioner	:	
For the Respondent	:	Mr. Lalit Kishore, AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 11-04-2018 Heard the learned Advocate General.

The communication to the Chief Justice on the administrative side with the following assertion has been placed before us for consideration on the judicial side.

“The order dated 06.11.2017 having been passed the petitioner once again filed up afresh ABP No. 4 of 2018 u/s 438 Cr.P.C. for consideration on merit before District & Sessions Judge, Siwan. It was dismissed on merit consideration. He filed up, then Cr. Misc. No. 19414 of 2018 which was listed as tied up matter before the Hon’ble Mr. J. Ashwini Kumar Singh on 04.04.2018 counsel for the petitioner while attending the court for his own case witnessed a case Cr. Misc. No. 2361 of 2018 at Series No. 5 under the heading for admission under the Excise Act 2016 being dismissed as non-maintainable ignoring and transgressing the impulse of the order of the Division Bench in the matter which is also a treat to consistency and Judicial discipline and is unbecoming.



It is, therefore, requested to our kind reverence to transfer Cr. Misc. No. 19414 of 2018 to some other bench for ends of justice and to keep the faith of people in judiciary in the light other affirmative orders, the other benches of the Hon'ble Court have been passing.”

Bestowing our anxious consideration to the same and the judicial and legal probabilities governing transfer of a matter, we are not inclined to go into the issue, in question. The matter has to be listed by the Administration of the High Court in accordance with the Statutory Rules established for distribution of the cases in the Patna High Court. There is no other provision as evidenced in the application.

We see no reason to direct for transfer of the matter to another Bench.

The application is, accordingly, **disposed off** with liberty to the aggrieved person to take action as may be permissible under law with regard to the issue, in question.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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