

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60485 of 2018

Arising Out of PS. Case No.-93 Year-2007 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sailesh Kumar S/o Ramanand Bhagat, R/o Bhagat Bhawan, Mohalla-
Bhikhanpur, P.S.- Tilkamanjhi, District- Bhagalpur. Petitioner/s
Versus

1. The State of Bihar.
 2. Rekha Prasad W/o Krishna Mohan Prasad, R/o New Bhagat Bhawan ,
Mahatma Gandhi Path, P.S.- Tilkamanjhi, District- Bhagalpur.
... .. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-11-2018 The petitioner is aggrieved by the order dated
25.06.2018, passed by the learned Sessions Judge,
Bhagalpur in Criminal Miscellaneous Transfer Petition
No. 03 of 2018, whereby the appeal filed by him namely
Criminal Appeal No. 13 of 2017 has been transferred
from the Court of the Additional Sessions Judge No. 2,
Bhagalpur to another Court of competent jurisdiction at
the instance of Opposite Party No. 2, who is none-else
but the aunt of the petitioner.

It appears that while the criminal appeal was
being conducted by the learned Additional Sessions
Judge No. 2, a suggestion was made that parties would
be better off, if compromise is effected. This led to a
thinking in the mind of Opposite Party No. 2 that she
would not be meted out justice in the case. As a result,
an application, seeking transfer of the case from the



Court to any another other Court of competent jurisdiction, was preferred.

The impugned order reveals that a report was called for from the Additional Sessions Judge No. 2, Bhagalpur and after perusing the report, the learned Sessions Judge, for the expediency as well as for the ends of justice, transferred the case in question from the Court of Additional Sessions Judge No. 2, Bhagalpur to the Court of Additional Sessions Judge No. 5, Bhagalpur.

The impugned order does not reveal that the complaint or the apprehension in the mind of Opposite Party No. 2 was genuine. However, considering the fact that the dispute is between near relatives, the learned Sessions Judge was of the view that it would be better if the case is heard by another Court. Even, the learned Additional Sessions Judge No. 2 gave his opinion to the learned Sessions Judge that he has no objection to the transfer of the case.

Considering the above facts, I am not inclined to interfere with the order impugned. The petition is dismissed.

(Ashutosh Kumar, J)

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