

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39195 of 2017

Arising Out of PS.Case No. -153 Year- 2013 Thana -GAURICHAK District-
PATNA

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Dauli @ Kanchan Devi, wife of Nepali @ Sanjeet Sao and
Daughter of Arjun Sao, Resident of Village- Tetari, P.S.-
Gaurichak, District- Patna at present Resident of Mohalla-
Chhotaki Delha, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nepali @ Sanjeet Sao, son of Yadu Sao
3. Yadu Sao, son of Late Dev Nandan Sao
4. Chandrawati Devi, wife of Yadu Sao

All Resident of Village- Tetari, P.S.- Gaurichak, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Manoj Kumar, Adv.

For O.P. No.2 :Ms. Archana Sinha @ Archana Shahi, Adv.

For the State :Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 11-07-2018 The petitioner has sought transfer of Gauri Chak
P.S. Case No. 153 of 2013, instituted for the offences under
Sections 341, 323 and 498(A)/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act, from the Court
of learned Sub-Divisional Judicial Magistrate, Patna City,



Patna to any Court of competent jurisdiction in the judgeship Gaya.

The reason assigned for seeking such transfer is that the petitioner/wife along with the two minor children is residing at her parental house at Chhotaki Delha, Gaya which falls under the territorial jurisdiction of Gaya Civil Court.

It has been submitted on behalf of the petitioner that it is difficult for the petitioner/wife to pursue her case at Patna because of paucity of funds and the fear of backlash at the hands of the opposite party No. 2.

During the course of the hearing of this petition, on an earlier occasion, this Court was made to understand that there is a possibility of settlement between the spouses. Seeing the move of the parties to go for a settlement, this Court had asked the learned counsels appearing on behalf of the parties to file a joint affidavit regarding settlement of the matrimonial dispute.

However today, Ms. Archana Sinha @ Archana Shahi, learned Advocate appearing for the opposite party No. 2/husband has informed this Court that the settlement talks have failed. Her client has informed her that when he went to the petitioner/wife, he was ill-treated.

The aforesaid fact has been denied by the learned counsel appearing for the petitioner, who submits



that no effort was made by the opposite party No. 2/husband to have the matter settled. In fact, the opposite party No. 2 never came to her house.

Considering the aforesaid facts, this Court is satisfied that a case for transfer of Gauri Chak P.S. Case No. 153 of 2013 has been made out by the learned counsel for the petitioner.

Let the records of Gauri Chak P.S. Case No. 153 of 2013 be transferred from the Court of learned Sub-Divisional Judicial Magistrate, Patna City, Patna to the Court of competent jurisdiction at Gaya. The aforesaid transfer be effected within a period of four weeks from the date of receipt/production of a copy of the present order.

All the records of Gauri Chak P.S. Case No. 153 of 2013 shall be transmitted to the concerned Court at Gaya.

This application is, accordingly, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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