

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No.12 of 2017**

1. Pramod Soni S/o Ratan Lal Soni Aged About 35 Years R/o Savitri Vihar Apartment, Block No. 9, Vardha Road, Nagpur Maharashtra, Official Address- Baba Saheb Ambedkar Airport, Airport Authority Of India, Nagpur, Maharashtra.
2. Ratan Lal Soni S/o Late Ratan Lal Soni Aged About 66 Years R/o House No.46, Jawahar Nagar, Durg, Tahsil And District Durg, Chhattisgarh.
3. Smt. Karuna Soni W/o Ratan Lal Soni Aged About 60 Years R/o House No.46, Jawahar Nagar, Durg, Tahsil And District Durg, Chhattisgarh.
4. Ku. Preeti Soni D/o Ratan Lal Soni Aged About 32 Years R/o House No.46, Jawahar Nagar, Durg, Tahsil And District Durg, Chhattisgarh.

---- **Petitioners****Versus**

- Smt. Devika @ Richa Soni W/o Pramod Soni D/o Bhawan Lal Soni, R/o Shivpara, Ward No. 33, Durg, Tahsil And District Durg, Chhattisgarh., Chhattisgarh

---- **Respondent**

For the Petitioners : Shri Ganesh Ram Burman, Advocate
 For the respondent : Ms. Reena Singh, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****12.9.2018.**

1. This is an application filed under Section 407 of the Code of Criminal Procedure, 1973 (for short 'the Code') for transfer of complaint case filed by the respondent under the provisions of Protection of Women from Domestic Violence Act, 2005 (for short 'the Act 2005) against the petitioners and pending before the Court of Judicial Magistrate First Class, Raipur to the Court of Chief Judicial Magistrate, Durg.

2. Learned counsel for the petitioners submits that the parties are residents of Distt. Durg and three other cases are also pending in the Court of Durg. Application under the Act 2005 has been filed at Raipur with the sole intention of harassing the petitioners. Therefore, the case may be transferred from the Court to Raipur to the Court of Durg.

3. As per the version of the respondent, she is presently residing at Vasundara Nagar, Raipur and the application filed under Section 12 of the Act 2005 is within the jurisdiction of the Court at Raipur. Distance between Raipur and Durg is about 40 km and no hardship is caused to the petitioners because their personal attendance is not required in the said Court.

4. As personal attendance of the petitioners is not required before the Court at Raipur and it is required only when any one of them willing to enter into witness box and distance between Raipur and Durg is nearly 40 km and when personal attendance is not required the parties may be represented through counsel or representatives. Therefore, it is not a case where sufficient cause is shown to transfer the case.

5. Accordingly, the application is rejected at the motion stage itself. Consequently, interim order passed by this Court regarding staying the proceedings of the trial Court stands vacated.

Sd/-
(Ram Prasanna Sharma)
JUDGE