

HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 12 of 2018**

Ankita Mani Tripathi, W/o Vaibhav Pandey, Aged, About 37 Years,
Presently R/o Ojha Gali, Sarkanda, Bilaspur District - Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh Through Police Station City Kotwali Baloda Bazar, District- Baloda Bazar-Bhatapara (C.G.)
2. Sh. Vaibhav Pandey S/o Sh. Gopal Pandey, Aged About 40 Years, R/o Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Respondents

For Petitioner : Mr. Atanu Ghosh, Advocate.

For State/respondent 1 : Mr. Ramakant Pandey, PL.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

10/09/2018

1. This transfer petition is preferred under Section 407 of the Code of Criminal Procedure, 1973 for transferring the Criminal Case No. 177/2018 (State Vs. Gopal Pandey & others) pending before Judicial Magistrate First Class Baloda-Bazar (C.G.) under Section 498(A) of IPC to the court at Bilaspur (C.G.).
2. Learned counsel for the petitioner submits that mother of the petitioner is not well and she is not able to move Baloda-Bazar for recording her evidence. Again, inconvenience will cause to the applicant in traveling to Baloda-Bazar, therefore, the case should be transferred to any court at Bilaspur.
3. Respondent No. 2 is charge-sheeted by police authorities and case is conducted by prosecutor. The petitioner is not required

to attend the case in each and every hearing before the said court. If, there is inconvenience to record evidence at Baloda-Bazar, the option is that the said person to file application mentioned in Sections 284 to 289 of the Code of Criminal Procedure, 1973 for examination through commission. Distance between Bilaspur to Baloda-Bazar is about 60 Km. and no hardship will cause to the petitioner in traveling upto that distance.

4. With these observations, there is no case for transferring the said criminal case to the court at Bilaspur.
5. Accordingly, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge