

HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 11 of 2018**

Ku. Ashmita Gayakwad D/o Shri Santosh Gayakwad Aged About 23 Years R/o- Ward No. 2, Rajhara Camp, Ahirwara, P.S. Nandini Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh Through- District Magistrate, Durg, District : Durg, Chhattisgarh
2. Tameshwar Prasad Dewangan S/o Dwarika Prasad Dewangan Aged About 25 Years R/o- Ward No. 5, Rajhara Camp, Ahirwara, P.S. Nandini Nagar, District- Durg, Chhattisgarh. **--- Respondents**

For Petitioner	:	Shri R. K. Pali, Advocate
For Respondents-State	:	Shri Anil Pillai, Dy. A.G., for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16-05-2018**

1. The present petition has been filed under Section 407 of the Code of Criminal Procedure seeking transfer of Criminal Case No. 13/2017 pending before the Special Judge, Durg.
2. The primary ground which has been projected by the petitioner is that the allegations are very serious against the accused/ respondent No.2 but the trial Court has granted the bail on the same day. It is also alleged that the Public Prosecutor is also not taking any interest, therefore, there are chances of respondent no.2 to be acquitted in the case.
3. If the allegations of like nature are accepted, it will lead to loose

the faith of the general public at large over the system, which cannot be encouraged. It is too premature to hold at the whims of the petitioner to tow the line of inference that she will not get justice because of her own perceptions. The petition is completely frivolous and misconceived and also leads to encourage the people to clamp allegations on the Court by advocates appearing on behalf of their clients/parties. Unless and until certain primary reasons exist and come to fore, the transfer of case like nature cannot be claimed as a matter of right.

4. In the result, the petition has no merit and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**