

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No. 25 of 2018**

- Manoj Sahu S/o Late Shri Tejram Sahu Aged About 32 Years R/o Village Doma, Thana And Tahsil Bhakhara, Civil And Revenue Distt. Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The District Magistrate Dhamtari, District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
2. Smt. Monisha Sahu W/o Shri Manoj Sahu Aged About 26 Years R/o Village Bhansoj, Thana And Tahsil Arang, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Anil Gulati, Advocate
For Respondent No.1/State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

26/9/2018

1. This is a petition filed under Section 407 of the Cr.P.C. for transferring Case No.660/2017 filed by respondent No.2 (wife) for maintenance under Section 125 Cr.P.C. in the Court of Second Additional Principal Judge, Family Court, Raipur (CG) to Family Court, Dhamtari.
2. A bare perusal of the facts would show that respondent No. 2 has filed an application under Section 125 Cr.P.C. for grant of maintenance against the present petitioner, who is husband. As per Section 126(b) Cr.P.C., application under Section 125 can be filed by the wife where she resides. Application under Section 125 Cr.P.C. is quasi civil in nature in which, attendance of the petitioner on each date of hearing is not required

and he can be represented through counsel or representative. If the petitioner wishes to enter into Witness Box then only his presence is required for one day in the said proceeding. Therefore, it is not a case where inordinate inconvenience will cause to the present petitioner for appearing in the said Court for one day.

3. Considering the facts and circumstances of the case, no case for transferring the proceeding is made out. Accordingly, the Transfer Petition (Cr.) is dismissed at the motion stage itself.

Sd/

(Ram Prasanna Sharma)

Judge