

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5662 of 2019

Arising Out of PS. Case No.-58 Year-2007 Thana- NAYA RAM NAGAR District- Munger

Vishwamohan Singh, aged about 69 years, male, son of Late Deonandan Prasad Singh @ Deo Nandan Singh, Resident of Village - Shamho, Sarlahi, Police Station-Samho Sarlahi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar.
 2. Bishnudeo Choudhary, aged about 70 years, male, son of Late Moti Choudhary
 3. Sarojani Devi, aged about 65 years, female, wife of Bishnudeo Choudhary
 4. Gopal Choudhary, aged about 48 years, male, son of Bishnudeo Choudhary
- opposite party nos.2 to 4 are resident of village - Garhi Rampur, Police Station-Nayaram Nagar, District-Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-02-2019 This application has been filed for transfer of trial of

Nayaramnagar P.S. Case No. 58 of 2007, G.R. No. 1050 of

2007, instituted under Sections 302/34 of the Indian Penal Code

from the court of learned A.C.J.M. 1st, Munger, to an appropriate

court of similar jurisdiction at Begusarai district.

The contention of learned counsel for the appellant

that a case has been lodged by the petitioner against the opposite

party nos. 2 to 4 with respect to murder of his daughter. In half

way investigation, charge-sheet was submitted under Section

304B/34 of the Indian Penal Code against the accused persons

on 27.06.2008. The learned court below took cognizance on



27.06.2008 and processes were issued against the accused persons, but thereafter there is no progress in the case and uptil now it has not been committed to the court of Sessions and as such little or no hope that the petitioner would get justice at Munger and the petitioner has also been threatened to not make any pairvi in the case. Petitioner has also filed a petition before the court of learned A.C.J.M.-I, Munger, as well as before the Superintendent of Police, Begusarai, which will appear from Annexures-4 & 4/1 and that clearly shows that the prosecution agency is itself playing hand in glove with the accused persons. On the above ground, learned counsel for the petitioner seeks transfer of this case to any competent court of Begusarai of similar devision.

Heard learned APP also.

On perusal of record, there is nothing available on record to suggest that the petitioner has any apprehension in attending the trial at Munger, rather he is aggrieved by the slow process of law and as in spite of lapse of 10 years, this case has not been committed to the Court of Sessions.

Having heard both sides, in view of the facts and circumstances of the case, this is not a fit case for transfer of trial from the court of A.C.J.M-I, Munger to any other court of



same jurisdiction at Begusarai, rather learned A.C.J.M.-I, Munger, is directed to proceed with the commitment of case to the Court of Sessions within a period of three months.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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