

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9415 of 2019**

**In
Miscellaneous Jurisdiction Case No.3779 of 2018**

Arising Out of PS. Case No.-253 Year-2010 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Manoj Kumar Son of Sri Dayanand Yadav Resident of Mohalla - Barmasiya,
P.O.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi Wife of Manoj Kumar Permanent resident of Mohalla -
Barmasiya, P.S.- Katihar Muffassil, District- Katihar, Present Address
Resident of Village - Mahendrapur, P.S.- Sadar, Muffassil, District- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal
For the Opposite Party/s : Mr.Rajiv Nayan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 26-06-2019 This application has been filed for transfer of

C.A.No.253 of 2010 from the court of CJM, Purnea to the

competent court of Sessions Division of Katihar.

It further appears that O.P.no.2 has filed the
Complaint Case No.2385 of 2008 which was registered under
Section 156(3) of the Cr.P.C. and on the basis of which, Purnea
Sadar (Mufassil) P.S.Case No.358 of 2008 was registered and
later on final form was submitted and the cognizance was taken
in C.A. No.253 of 2010.

Grounds for transfer of the case is that O.P.no.2 has
lodged the present case and now she is residing at Katihar and



working in a Beauti Parlour and lodged three other cases- Katihar Mahila P.S.Case No.19 of 2012 , pending in the court of SDJM, Katihar, and Katihar Mahila P.S.Case No.69 of 2015 filed under Section 498(A) of the IPC and other Sections of the IPC pending in the court of SDJM, Katihar and further grounds are that the maintenance case had been filed by the O.P.no.2 at Purnea, now same has been transferred to the Family Court, Katihar, vide judgment dated 7.3.2018 passed in MJC No.1678 of 2017. Further submission is that the O.P.no.2 is residing at Katihar in a room provided by the father of the petitioner. As such it will be convenient for both the parties if the complaint case is transferred to the sessions division of Katihar.

On the other hand the learned counsel for the O.P.no.2 has appeared and submitted that O.P.no.2 is now residing at Purnea and it will not be possible for her pursuing the case at Katihar, however, in spite of the fact that the petitioner has stated in his petition on oath that she is working at Katihar and other cases are also pending at Katihar, no counter affidavit has been filed by O.P.no.2 controverting the aforesaid facts.

Considering the aforesaid facts and circumstances of the case and also considering the fact as mentioned above, and also considering the fact that other cases are pending in the



court of SDJM, Katihar filed by O.P.no.2. As such in the interest of justice and for the convenience of both the parties, the case is transferred to the court of sessions division of Katihar.

Accordingly, this transfer application is allowed and the C.J.M., Purnea is directed to send the records of C.A.No.253 of 2010 to the sessions division of Katihar at once, which shall be transferred to appropriate court by Sessions Judge, Katihar.

With the above observation, this application is allowed.

(Vinod Kumar Sinha, J)

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