

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67399 of 2018

Arising Out of PS. Case No.-101 Year-2017 Thana- SALAKHUA District- Saharsa

Manisha Kumari Wife of Manoj Kumar @ Santosh Kumar Singh, Daughter of Ram Sevak Singh, Resident of Village P.O. Sonediha, P.S. Pasraha, District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar @ Santosh Kumar son of Rama Shankar Pd. Singh
3. Jitendra Kr. Singh S/O Ramshankar Pd. Singh
4. Nilam Devi W.O Ram Shankar Pd. Singh
All resident of Mohall Bahuarwa P.S. Salkhua, District Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mukul
For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 25-06-2019 This application has been filed by the petitioner – wife for transfer of Salkhua P.S. Case No.101 of 2017 under Section 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act from the court of the learned ACJM-IV, Saharsa to the competent court within the jurisdiction of sessions division of Khagaria.

Grounds for transfer of the case is that the petitioner is is wife of O.P.no.2 and she has been ousted and thereafter she is residing at Khagaria and up till now she is not being paid any single penny for her maintenance or for her children, as such it is not possible to her to pursue this case at Saharsa, whereas the maintenance case filed by the petitioner is pending at Khagaria.



Further grounds are that the husband of the petitioner is a criminal and he used to threaten also, for that she has lodged a petition before the court itself, as such for the sake of the convenience of the petitioner and also for the sake of convenience of opposite parties and also the maintenance case is pending at Khagaria, as such Salkhua P.S.Case No.101 of 2017 be transferred to the sessions division of Khagaria. It has further been submitted that the charge-sheet has been submitted and the charge has also been framed.

Learned counsel for the O.P.no.2 who has appeared on notice, submitted that apart from her husband, father-in-law and mother-in-law are accused and they are old aged person and it will be difficult for them in making *pairvy* at Khagaria, if the case is transferred to Khagaria. It has also been submitted that the case itself shows that O.P.nos. 2 to 4 are residing at Ranchi, however, conceded the fact that Maintenance Case is pending at Khagaria.

Heard learned APP.

Having hard both sides and from perusal of the record, it appears that Salkhua P.S.Case No.101 of 2017 was filed within the jurisdiction of sessions divisions of Saharsa and the charge has been framed in this case. It further appears that



the petitioner is residing at Khagaria, she has been ousted from her *Sasural* and no any maintenance is being paid to her as well as the the maintenance case is also pending at Khagaria, no doubt the O.P.no.2. is residing at Ranchi but to my opinion, going to Khagaria from Ranchi will not make any difference.

In such view of the matter, considering the above facts and circumstances, as well as the fact that as she has no source of income, this application is allowed and Salkhua P.S.Case No.101 of 2017 pending before the court of ACJM-IV, Saharsa is transferred to the sessions division of Khagaria to the court of SDJM, Khagaria and the SDJM, Saharsa is directed to send complete records of the case to the court of SDJM, Khagaria forthwith.

It is also directed that the petitioner shall co-operate in disposal of the case and both the parties will try to co-operate in disposal of the case and the SDJM, Khagaria will try to expedite the proceeding on receipt of the transfer of the case and try to conclude it as soon as possible.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

