

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14382 of 2018

Arising Out of PS. Case No.-68 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

-
1. Anima Ram, D/o Sri Gopal Prasad,
 2. Gopal Prasad, S/o Late Jagnarayan Prasad,
 3. Rakesh Verma @ Rakesh Kr. Verma, S/o Gopal Prasad,
 4. Mukesh Prasad @ Mukesh Kumar Verma, S/o Gopal Prasad,
 5. Gobardhan Prasad @ Gobardhan Ram, S/o late Jagnarayan Prasad,
 6. Shanti Devi, W/o Gopal Prasad , All R/o Khalasi Mohalla, P.S.- Jhajha, Distt.- Jamui.
 7. Bachchu Ram, S/o Late Puran Ram, R/o Mohalla- New Alkapuri, P.S.- Gardanibagh, though it has been wrongly stated as 'Chitkohra', Distt.- Patna.

... .. Petitioners

Versus

1. State Of Bihar
2. Daya Shankar Ram, S/o Late Rameshwar Ram, R/o Village- Korama, P.S.- Chiksaura, Distt.- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan Singh
For O.P.No.2	:	M/S Mukeshwar Dayal, Vikas Mohan
For the Opposite Party/s	:	Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

9 16-04-2019 This application has been filed for transfer of Complaint Case No. 68C of 2016 from the court of A.C.J.M.-I, Hilsa, Nalanda to Jamui Civil Court on the ground that petitioner No.1 is wife of opposite party No.2, petitioner No.2 is father-in-law, aged about 65 years, petitioner No.5 is uncle-in-law, aged about 60 years, petitioner No.6 is mother-in-law, aged about 60 years, petitioner No.7 is Samdhi of petitioner No.2,



who is aged about 68 years and others are family members and, as such those elderly persons, who are accused in this case, feel great inconvenience in coming to Hilsa to participate in the case proceeding, whereas two cases filed by petitioner No.1, one is Complaint Case No. 77 of 2003, corresponding to Trial No. 93 of 2016 under Section 498A IPC and another is Maintenance Case No.5 M of 2003, are pending before the court of S.D.J.M, Jamui and the Family Court, Jamui respectively and as such for the ends of justice and for the convenience of the accused persons, the case may be transferred to Jamui and that will not be inconvenient to the petitioners to participate in the case and the other cases pending in Jamui.

On the other hand, learned counsel for opposite party No.2 has appeared and opposed the prayer for transfer on the ground that the witnesses are of the Hilsa and to get their statement made at Jamui will be very difficult task, whereas opposite party No.2 has filed a divorce case at Patna and as such for the sake of convenience the case may be transferred to any competent court at Patna Sessions Division.

For transfer of a case under Section 407 of Cr.P.C. the High Court may transfer a case on the grounds mentioned in the said section and Section 407(c) of Cr.P.C. provides that an order



under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice, a case can be transferred from a Criminal Court subordinate thereto or equal or superior jurisdiction.

In the present case the ground taken by the petitioners is that some accused persons are quite old and Hilsa is directly connected to Jamui and further on the ground that in other two cases the opposite party No.2 is appearing in Jamui and as such for the convenience of the parties the case may be transferred to Jamui. No doubt, while transferring a case under Section 407 Cr.P.C. the convenience of both the parties, including convenience of witnesses has to be considered and the transfer can be made only when it is expedient for the ends of justice. From the submission of learned counsel for opposite party No.2 it appears that he is residing at Patna and not at Hilsa.

Considering the aforesaid fact, ends of justice will be served if the case is transferred to Lakhisarai Civil Court, which is nearer to Jamui and directly connected to Jamui and also with Patna by train and as such both the parties may not have any difficulty. As such for the interest of justice it is expedient to transfer the Complaint Case No. 68C of 2016, pending in the



court of A.C.J.M.-I, Hilsa, Nalanda to a competent court of jurisdiction of Sessions Division Lakhisarai.

Let the record of Complaint Case No.68C of 2016 be transferred at once from the court of A.C.J.M.-I Hilsa to the court of A.C.J.M.-I of the Sessions Division of Lakhisarai. It is expected that both the parties shall co-operate in disposal of the aforesaid case.

With the above observation, this application is allowed.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

