

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41516 of 2018

Arising Out of PS. Case No.-144 Year-2017 Thana- CHAPRA MUFFASIL District- Saran

1. Rakhi Singh and Ors wife of Sri Arvind Kumar Singh
2. Arvind Kumar Singh son of Sri Shiv Shankar Singh
Both Resident of RCF Colony, Building No16, Quarter No 96, Chembur
East Mumbai Maharastra
3. Rakesh Singh son of Sri Uma Shankar Singh @ Uma Shankar Prasad Singh
4. Raj Kali Singh @ Raj Kali Devi, wife of Sri Uma Shankar Singh @ Uma
Shankar Prasad Singh
5. Uma Shankar Singh @ Uma Shankar Prasad Singh, son of Late Ramagya
Singh,
All Resident of Village- Balwa Kuari, P.S. Hajipur Sadar, District- Vaishali
at present Flat No. D/101, Ex Service men Housing Society, Sector 2 E,
Kalamvoli, P.S.- Kalamvoli, District- Raigrah, New Mumbai, Maharastra.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kumari Neha Singh wife of Sri Rakesh Singh daughter of Sri Shatrudhan
Singh Resident of Village- Balwa Kuari, P.S. Hajipur Sadar, District Vaishali
at present residing at Village- Bishanpur, P.S.- Chapra Mufasil, District-
Saran at Chapra.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46334 of 2018

Arising Out of PS. Case No.-3020 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

1. Rakesh Singh S/o Sri Uma Shankar Singh @ Uma Shankar Prasad Singh,
2. Raj Kali Devi W/o Sri Uma Shankar Singh @ Uma Shankar Prasad Singh,
3. Uma Shankar Singh @ Uma Shankar Prasad Singh, S/o Late Ramagya
Singh,
All R/o Vill.- Balwa Kuari, P.S.- Hajipur Sadar, District- Vaishali at present
Flat No. D/101, Ex Service Man Housing Society, Sector 2E, Kalamvoli,
P.S.- Kalamvoli, District- Raigrah, New Mumbai, Maharastra.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kumari Neha Singh W/o Sri Rakesh Singh D/o Sri Shatrudhan Singh, R/o
Vill.- Balwa Kuari, P.S.- Hajipur Sadar, District- Vaishali at present residing
at Vill.- Bishanpura, P.S.- Chapra Muffasil, District- Saran at Chapra.



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41516 of 2018)

For the Petitioner/s : Mr.Gajendra Nath Ojha

For the Opposite Party/s : Mr.Sri Ashok Kumar

(In CRIMINAL MISCELLANEOUS No. 46334 of 2018)

For the Petitioner/s : Mr.Gajendra Nath Ojha

For the Opposite Party/s : Mr.Sri Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

07 07-05-2019 Cr. Misc. No.41516 of 2018 has been filed for transfer of Chapra (Muffasil) Case No.144 of 2017 under Section 498A and other Sections of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and Cr. Misc. No.46334 of 2018 has been filed for transfer of Complaint Case No.3020 of 2017 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 from the court of CJM, Saran at Chapra to the court of CJM, Vaishali at Hajipur or any other court at Hajipur.

The grounds for transfer of both the cases is that the marriage was solemnized on 28.11.2012 and in support of that the invitation card has been annexed and further the voter list shows that O.P.no.2 is residing at Rajpoot Nagar, Hajipur, which appears from Annexure-3 and even the cruelty was not meted out at Saran at Chapra and further no part of the occurrence is said to have taken place, as alleged, within the jurisdiction of Saran and on that ground the petitioner seeks transfer of this



case from the court of CJM, Saran at Chapra to the court of CJM, Vaishali at Hajipur.

Heard learned APP and the learned counsel for the O.P.no.2. They have opposed both the applications of the petitioners stating that O.P.No.2 is residing at village Bishunpura, P.S. Chapra (M), District Saran after ousting from the house and she has filed the present case before the CJM, Saran at Chapra under Section 498A and other Sections of the IPC. It has also been submitted that she is at present also residing at village Bishunpura and there is no substance in the submission of the learned counsel for petitioner.

Having heard both sides and from submission of both the parties in both the cases and on perusal of the petitions it appears that the petitioner has sought transfer on Chapter XIII, Sections 177 & 178 of Criminal Procedure Code, which deals with jurisdiction of criminal court and in my opinion, this point can not be a ground for transfer under Section 407 of the Cr.P.C. rather that can be raised by filing an application under Section 482 of the Cr.P.C.

Considering the same, I find no merit in the applications and the petitioner is at liberty to file an application under Section 482 of the Cr.P.C., raising the point of



jurisdiction.

Accordingly, both the applications are disposed of .

(Vinod Kumar Sinha, J)

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