

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42443 of 2018

Arising Out of PS. Case No.-2079 Year-2013 Thana- SARAN COMPLAINT CASE District-
Saran

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Lalti Devi, W/o Jitendra Rai, R/o Vill.- Madarpur, P.S.- Masrakh, District-
Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maheshwar Singh, S/o Lakhraj Singh, R/o Vill.- Semari, P.S.- Masrakh,
District- Saran,
3. Upendra Singh, S/o Late Tribhuan Narayan Singh, R/o Vill.- Masrakh,
District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy

For the Opposite Party/s : Mr.Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 08-02-2019

This application has been filed on behalf of the petitioner for transfer of S.Tr. No. 382 of 2018, arising out of Protest-cum-Complaint Case No. C2-79 of 2013, in the court of learned Addl. Sessions Judge 10th, Saran at Chapra to Sessions Division at Patna and tag with S.Tr. No. 78 of 2015 pending in the court of learned Addl. Sessions Judge-9th, Patna.

In this case, it appears that notices were issued to the O.P. Nos. 2 and 3 but in spite of receipt of valid service of notice, nobody appears.

The case of the petitioner, in short, is that two cases have been filed for the same occurrence, leading to S.Tr. No. 382 of 2018 and S.Tr. No. 78 of 2015. S.Tr. No. 78 of 2015 has been



transferred to the Sessions Division of Patna in the light of order of Hon'ble Apex Court to the Special Court for conducting the trial of the people's representative. However, later on, court of Special Judge has been constituted at Chapra and S.T.No. 78 of 2015 has been transferred to Special Court at Chapra i.e., learned Sessions Judge-VIII, which is special court for conducting the trial of people's representative and in such view of the matter now prayer of learned counsel for the petitioner is that S.T.No. 382 of 2018 may also be transferred to the court of Sessions Judge-8th, Chapra where another S.T.No. 78 of 2015 , conducting the trial of people's representative, is pending as both the cases arising out of same occurrence.

Learned counsel fairly submits that either this Court may order for the same or opportunity may be given to the petitioner to move before the Sessions Judge for conducting the trial of both the cases by the same court.

In such view of the matter, as the prayer of the petitioner is of trial by the sessions court of the same sessions division as such it will be better for the petitioner to move before the Sessions Judge, Chapra for transfer of S.T. No. 382 of 2018 also to the court of Sessions Judge-VIII, Chapra who is hearing the trial of S.T.No. 78 of 2015 arising out of same occurrence. If



such application is being filed by the petitioner before the Sessions Judge, he may pass an appropriate order after hearing both the parties within a reasonable period preferably within a period of three months.

Accordingly, this application is disposed of with the aforesaid observation.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

