

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57382 of 2018

Arising Out of PS. Case No.-201 Year-2015 Thana- GARDANIBAG District- Patna

Safina Khatoon, W/o Md. Rafi Ahmad, R/o Vill.- Banauli, P.S. Simri, District-Darbhangha , Presently, resided at Vill.- Gopalpur Gopal, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department Of Home, Bihar, Patna
2. Md. Rafi Ahmad S/o Md. Shoib, R/o Vill.- Hanauli, P.S.- Simri, District-Darbhangha, Presently Posted at Minority Welfare Department , Haj Bhawan, Ali Imam Path, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Khatim Reza
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-05-2019 This application has been filed for transfer the criminal case bearing G.R. No. 3726 of 2015, arising out of Gardanibagh P.S.Case No. 201 of 2015 registered for the offence punishable under Sections 498A/34 of the Indian Penal Code from the court of Smt. Priya Shekhar, Judicial Magistrate, 1st Class, Patna to the court of concurrent jurisdiction of civil court, Muzaffarpur. The ground for transfer is that the petitioner is a lady and resides at Muzaffarpur and there is none to look after her and as such she is facing great difficulty to come to Patna for making pairvi in the case and her one of the daughters is aged 4 years and on that ground petitioner seeks transfer the case from Patna to Muzaffarpur.

On the other hand, learned counsel for opposite party No.



2 has submitted that charge has been framed in this case and he is paying the maintenance to the petitioner, which has been deducted from his salary as per order of Family Court in the maintenance case and in connection with the case the petitioner does not have to come Patna on every date and as such the petitioner has no difficulty in pursuing the case.

Having heard both sides and from perusal of the record it appears that in this case charge has already been framed and the petitioner is getting maintenance amount, which has been deducted from petitioner's salary as per direction of the Family Court. Further in police case the petitioner did not have to appear on every date.

As such, this application is disposed of with a direction that if petitioner prays for litigation cost, the opposite party No.2 shall pay Rs.500/- per day to the petitioner as litigation cost on which day the petitioner appears before the court for her deposition. It is made clear that both the parties will co-operate in disposal of the case and appear before the trial court as and when required. Learned trial court is directed to dispose of the case within a period of one year.

(Vinod Kumar Sinha, J)

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