

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87074 of 2019

Arising Out of PS. Case No.-336 Year-2016 Thana- CIVIL LINE District- Gaya

Rajesh Kumar Son of Virender Mehta @ Ambika Prasad Mehta Resident of Mohalla - Rajendera Nagar, Road No. 12 Opposite of BSNL Office, P.S.- Rajendernagar, District - Patna. At present and Permanent Address - Laxmipur, Jhiktia, Makhdumpur, Gurubazar, Korha, P.S.- Korha, District- Katihar

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Rina Kumari D/O - Anandi Prasad Rajak R/O - College Girls Hostel, Nutan Nagar (Near Green Field School), Gaya. Permanent Address - Belabadan, P.S.- Banmankhi, District- Purnea

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Pankaj Kumar Sinha Mr. Diwakar Sinha
For the Opposite Party	:	Mrs.Usha Kumari 1
For O.P. No. 2	:	Mr. Sajid Salim Khan Mr. Ram Pravesh Nath Tiwari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2020 Heard Learned Counsel for the petitioner and the learned Counsel for Opposite party no. 2.

This application has been filed for transfer of entire case records and its proceedings arising out of Gaya Civil Lines PS Case No. 336 of 2016 from the Court of Special Judge, SC/ST Court, Gaya to the jurisdiction of District Katihar or Purnea.

The prosecution story in brief is that since some months the petitioner used to send indecent and threatening messages and threatening calls to eliminate family members of the informant and threatened to create a false video. It is in such



circumstances that extortion has also been alleged against the petitioner.

The prosecution has been instituted at Gaya vide Civil Lines PS Case No. 336 of 2016. The petitioner has filed this application for transfer of the case either to Katihar or Purnea.

It is submitted by petitioner's Counsel that he is resident of Katihar and it will be convenient for the petitioner to look after the case if it is transferred from the court of learned Special Judge, SC/ST Court, Gaya to the competent Court at Katihar or Purnea. Counsel for the petitioner submits that otherwise it would be inconvenient for the petitioner to participate in the case and make *pairvi*.

Learned Counsel appearing for the Opposite party No. 2 has placed reliance on the decision of the Supreme Court in the case of ***Harita Sunil Parab vs. State (NCT of Delhi & ors)*** reported in ***(2018) 6 SCC 358***.

The Apex Court in the said judgment has relied upon the legal position from the case of ***Parminder Kaur versus The State of UP*** in para 10. This Court would consider it necessary to reproduce the same which reads as follows:-

“10. In our view, at this stage, the apprehensions voiced by the petitioner of possible harm to her at Delhi is too nebulous a ground for transfer. On her own pleadings, the petitioner has been travelling from Mumbai to Delhi since



long for professional reasons. In *Parminder Kaur v. State of U.P.* [*Parminder Kaur v. State of U.P.*, (2007) 15 SCC 307 : (2010) 4 SCC (Cri) 645] , it was observed: (SCC p. 315, para 20)

“20. The petitioner is a person of means and it will not be difficult for her to attend the hearing of the criminal cases pending in the Court of Chief Judicial Magistrate, Rampur. The comparative inconvenience of the litigant parties is not the only criterion for transferring the cases from one State to another State, but the court has to visualise the comparative inconvenience and hardships likely to be caused to the witnesses besides the burden to be borne by the State Exchequer in making payment of travelling and other expenses of the official and non-official witnesses who will have to travel by train from Rampur to Delhi or Chandigarh, as the case may be, for attending the court proceedings if the cases are ordered to be transferred to transferee court. ...”

The plea in the instant case raised in the petitioner is merely inconvenience of the petitioner. As per the Law set out in the said case no valid ground has been raised for transfer of the case.

This application is dismissed.

(Madhuresh Prasad, J)

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