

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

T.P. (Cr.) No.26 of 2019

Smt. Pooja Gupta, W/o Harish Gupta, aged about 24 years, D/o Dilip Prasad Gupta, resident of Village Karpawand, Post Karpawand, District Bastar, Chhattisgarh

---- Petitioner

versus

1. Harish Gupta, S/o Vijay Gupta, aged about 26 years,
2. Vijay Kumar Gupta, S/o Vishwanath Gupta, aged about 54 years,
3. Dipesh Gupta, S/o Vijay Gupta aged about 30 years,
4. Sushila Gupta, W/o Vijay Gupta, aged about 50 years,
5. Priya Gupta, W/o Dipesh Gupta, aged about 27 years,
All residents of Krishna Nagar, P.S. Tikrapara, District Raipur, Chhattisgarh
6. State of Chhattisgarh, through Police Station Tikrapara, District Raipur, Chhattisgarh

--- Respondents

For Petitioner	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondents No.1 to 5	:	Shri Suyash Dhar, Advocate
For Respondent No.6	:	Smt. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.3.2020

1. The matter is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally and disposed of. Perused the material available.
2. The Petitioner is wife of Respondent No.1. On the basis of a report made by the Petitioner, a criminal case for the offence punishable under Section 498A of the Indian Penal Code, being Criminal Case No.6963 of 2018 is pending before the Court of Chief Judicial Magistrate, Raipur. The instant transfer petition has been moved by the wife on the ground that presently she is residing at Jagdalpur and her application under Section 125 of the Code of

Criminal Procedure is also pending at Jagdalpur. For transfer of Criminal Case No.6963 of 2018, the other ground raised by the wife is that if she visits Raipur, her life would be in danger.

3. As submitted by Learned Counsel appearing for Respondents No.1 to 5, the case under Section 125 of the Code of Criminal Procedure has already been decided by the Family Court, Jagdalpur vide order dated 22.1.2020. Thus, presently, there is no other litigation pending between the parties at Jagdalpur.
4. Though the Petitioner is presently residing at Jagdalpur, in Criminal Case No.6963 of 2018, which is pending before the Chief Judicial Magistrate, Raipur, most of the witnesses are residents of Raipur and nearby places. Position of the Petitioner in the case is only as a prosecution witness and, therefore, she is required to visit Raipur only once for recording of her statement.
5. Considering all the above facts and circumstances, I do not find any reasonable ground to transfer the aforesaid criminal case from Raipur to Jagdalpur.
6. Consequently, the instant transfer petition is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge