

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.197 of 2017

Arising Out of PS. Case No.-399 Year-2012 Thana- KISHANGANJ District- Kishanganj

Girish Chandra Sinha @ Girish Sinha son of Late Ram Deni Prasad, resident of Village Chunapur Road Manjhali Chawk, P.S. K. Hat Madhubani, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Govt. Of Bihar, Patna
2. The Insepctor General of Police, Darbhanga Zone, Darbhanga.
3. The Deputy Inspector of Police, Purnea Range Purnea.
4. The Superintendent of Police, Kishanganj.
5. The Officer-in-Charge of Kishanganj, P.S. and District- Kishanganj.
6. Manish Kumar, son of Hiralal Sah, resident of Village- Dangi Basti, P.S. and District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anisur Rahman, Adv.
For the State	:	Mr.H.S. Roy, AC to AG
For the Respondent no.6:	:	Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-11-2022 Heard learned counsel for the petitioner, Mr. H.S.Roy, learned AC to AG for the State and Mr. Vijay Kumar, learned counsel for the respondent no.6.

Petitioner in this case is seeking a direction to the respondents to transfer Kishanganj P.S. Case No.399 of 202 to Purnea and to tag the same with K.Hat P.S. Case No.257 of 2011.

Learned counsel for the petitioner submits that both the cases have been lodged against the petitioner for the same



offences. In course of argument, learned counsel has taken this Court through K.Hat P.S. Case No.257 of 2011 dated 29.06.2011 which has been lodged by altogether 26 persons. The allegation in the FIR is that this petitioner has after opening a non-banking institution in the name of Rashtriya Swarnim Rozgar Mission duped a large number of investors and the petitioner has collected crores of rupees from the investors which he has misappropriated.

Learned counsel has taken this Court through the complaint filed by one Manish Kumar in the court of learned Chief Judicial Magistrate, Kishanganj giving rise to Complaint Case No.648 of 2011 which has been later on registered as a police case giving rise to Kishanganj P.S. Case No.399 of 2012 dated 20.10.2012 under Sections 420, 406, 467, 468 and 120(B) of the Indian Penal Code (Annexure-2). Learned counsel submits that the case registered at Kishanganj be transferred to Purnea in exercise of power under Section 407 of the Code of Criminal Procedure. It is his submission that his case would be covered under Clause (c) of sub-section(1) of Section 407 Cr.P.C.

On the other hand, learned counsel for the State as well as respondent no.6 have opposed this application. It is



submitted that the petitioner has been charge-sheeted in both the cases. It is further submitted that on a bare perusal of the allegations made in the FIR, as contained in Annexure-2, it would appear that in the said case the informant has narrated how his father has been duped. The cause of action for lodging of the FIR at the relevant time is the fact that the father of the informant was subjected to a fraud by the petitioner. Learned counsel submits that the informant of the case is a resident of Kishanganj and his witnesses are also from Kishanganj, therefore, if this case is transferred to Purnea it will cause immense hardship to the informant and his witnesses in attending the court at Purnea. It is submitted that the whole attempt of the petitioner is to somehow frustrate the trial of this case by causing inconvenience to the informant and his witnesses.

Having heard learned counsel for the petitioner, State and respondent no.6 as also on perusal of the records, this Court finds substance in the submission of learned counsel for the respondent no.6. A perusal of Annexure-2 would show that it has been lodged by the respondent no.6 who is a resident of District Kishanganj. There are altogether 7 accused named in the FIR. The alleged act of fraud has taken place with the father



of the informant who is also living at Kishanganj. So far as Clause (c) of sub-section(1) of Section 407 Cr.P.C. is concerned, it would apply only if this Court would find that the transfer of Kishanganj case to Purnea would be in the interest of general convenience of the parties or the witnesses or it is expedient for the ends of justice.

In this case, the logical conclusion is against the contention made on behalf of the petitioner. If this case is transferred to Purnea, the informant and his witnesses would have to face immense hardship and this Court finds no other reason by way of interest of justice to transfer this case to Purnea. The submission advanced on behalf of the petitioner is, thus, devoid of merit.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

