

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22360 of 2021

Arising Out of PS. Case No.-255 Year-2018 Thana- NAYA RAM NAGAR District- Munger

Aayushi Kumari @ Puja Kumari D/O Shyam Chourarsiya R/o village- Shahit
Raja Chowk, P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumar S/O Shyam Swarup Chourasiya R/o village- English Patam,
P.S.- Naya Ram Nagar, District- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surya Narayan Roy
For the Opposite Party/s	:	Mr.Sunil Kumar Pandey
	:	Mr.Sushil Kumar Singh
	:	Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 16-11-2022 The petitioner seeks transfer of case Naya Ram Nagar PS Case No. 255 of 2018 registered under Sections 498(A) and other allied sections of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act, from the court of Sub-Divisional Judicial Magistrate, Munger to the Court of Sub-Divisional Judicial Magistrate, Dalsingsarai, Samastipur for final disposal of the case.

The Opposite Party No. 2 has filed police case against petitioner and other family members under Section 498(A) and other allied sections of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act on 02.11.2018 being Naya Ram Nagar PS Case No. 255 of 2018 stating therein that



Opposite Party No. 2 was married with petitioner on 07.06.2017. On 08.06.2017 petitioner went at her *sasural* with Opposite Party No. 2 and their conjugal life spent very happily till 21.07.2017, thereafter, petitioner went at her *Naihar* with her father. After one month, her husband did not come to *sasural* to take away her. When petitioner came at her *sasural* with her brother, her mother-in-law demanded Rs. 5,00,000/- as dowry from her *Naihar*.

It is submitted on behalf of petitioner that petitioner is a lady and it is very difficult for her to attend the Court of Sub-Divisional Judicial Magistrate, Munger and there is no source of income to the petitioner. It is next submitted that petitioner resides in the jurisdiction of Sub-Divisional Judicial Magistrate Dalsingsarai, Samastipur with her father. In support of his submission he has relied upon two judgments of the Supreme Court.

(1.) Priyanka Yadav vs. Satpal Singh, Transfer Petition (Civil) No. 1779 of 2021.

(2.) Harpreet Kaur & Anr. vs. Sandeep Singh, Transfer Petition (Civil) No. 376 of 2021.

Counsel for Opposite Party appears and opposed the prayer made on behalf of petitioner.



It is well settled law that jurisdiction of a Court to conduct a criminal proceeding is based on the provisions of Cr.P.C. Often either complainant or accused have to travel across entire state to attend criminal proceeding before the jurisdictional court. Likewise, witnesses too were to travel long distance in order to depose before the jurisdictional court. If the plea of inconvenience for transferring the cases from one court to another, on the basis of time taken to travel to the court conducting the case is accepted, the provision contained in Cr.P.C conferring jurisdiction to try cases would become meaningless.

The inconvenience cannot be a sole ground for transfer of case under Section 407 of Cr.P.C. Convenience in the context of transfer means convenience of the all the parties including witness, official, non-official. Simply because she is lady and has some difficulty to attend and pursue the case in the district of Munger that cannot be ground for transfer of the case.

None of the judgments on which learned counsel for petitioner has placed his reliance, laid down any law with regard to the grounds which has been taken on behalf of the petitioner for transfer of the case.

In view of the above discussions, the transfer



application is dismissed being devoid of merit.

(Prabhat Kumar Singh, J)

vinita/-

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

