

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58923 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Begusarai

NEHA KUMARI W/o Rajeev Kumar Tamboli, D/o- Sanjay Singh Chaurasiya
R/o Village- Jamaitola, Kursaila, P.S.- Kursaila, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Tamboli S/o Shyam Prasad Tamboli Resident of Village-
Choti Baliya Bazar, P.S.- Baliya, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indradeo Prasad

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-07-2022 Heard the parties.

The petitioner has filed this petition u/s 407 of the Code of Criminal Procedure for transfer of Divorce Case No. 04/2020 which is pending in the Family Court, Begusarai to Family Court, Katihar on the ground that three other cases are pending in Katihar Civil Court.

It is contended on behalf of the petitioner that three cases, that is Complaint Case No. 2754/2017, Maintenance Case No. 455/ 2017 and Matrimonial Case No. 224/2020 are pending in the Civil Court, Katihar and hence for convenience of the petitioner to do Pairvi, the present case may be transferred to Civil Court, Katihar. It is further submitted that petitioner is a



lady and she will have to travel from Katihar to Begusarai alone to attend the case at Begusarai.

It is 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.

Even if it assumed that a couple of days would be consumed for travelling to and fro, the inconvenience would not be such as on basis for seeking transfer.

This transfer petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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