

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No. 07 of 2022

Purushottam Kumar

....

Petitioner
None

Versus

State of Orissa

.... ***Opposite Party***
Mr.S.S. Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER
11.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

None appears for the petitioner when the matter is called.

Mr. S.S. Pradhan, learned Additional Government Advocate is present.

This application under Section 407 Cr.P.C. has been filed by the petitioner for transfer of S.T. Case No. 89/90 of 2020-2021, arising out of Brahmanitarang P.S. Case No. 139 of 2020 from the court of learned 2nd Additional District & Sessions Judge, Rourkela to the court of learned 1st Additional District & Sessions Judge, Rourkela, District of Sundargarh.

On the last date i.e. 20.06.2022, the report dated 21.04.2022 of the learned District & Sessions Judge, Sundargarh had been perused wherein it has been mentioned that pursuant to Letter No. 3439 dated 03.03.2022 of this Court, all pending case records of the Court of the learned 2nd Additional District & Sessions Judge, Rourkela had been withdrawn from the said Court and transferred to the Court of 1st Additional District &

Sessions Judge, Rourkela vide Office Order No. 136 dated 16.03.2022 for disposal in accordance with law.

But, as the learned counsel for the petitioner had sought for time to obtain instructions regarding status of the S.T. Case No. 89/90 of 2020-2021, the case had been adjourned to today.

Since none appears for the petitioner, it is apparent that the case records have been transferred as per report of the learned District & Sessions Judge, Sundargarh, rendering the TRP(C) infructuous.

Mr. S. S. Pradhan, learned Additional Government Advocate points out that this case is otherwise not maintainable in view of the proviso to Section 407 (2) of Cr.P.C., in as much as prayer has been made for transfer within Sessions Division i.e. Sundargarh for which, the petitioner should have first approached the learned Sessions Judge, Sundargarh.

The TRPCRL which is otherwise not maintainable is accordingly dismissed as infructuous.

Issue urgent certified copy as per rules.

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(Savitri Ratho)
Judge

puspa