

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.20 of 2022

Kalpana Sethi @ Behera **Petitioner**

-versus-

Adaramani Behera **Opposite Party**

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
21.12.2022**

Order No

- 08.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.N. Mishra 4, learned counsel for the Petitioner and Mr. P.S. Das, learned counsel appearing for O.P. No. 4.
3. The present transfer petition has been filed seeking transfer of I.C.C. Case No. 32 of 2021 pending in the file of the Court of learned SDJM, Champua, Keonjhar to the Court of learned SDJM, Bhadrak.
4. It is contended by the learned counsel for the Petitioner that the Petitioner when lodged a F.I.R. in Bhadrak Rural P.S. Case No. 381 of 2021 on 09.09.2021, the Opp. Party as a counter to the allegations made in the F.I.R. lodged the complaint case in I.C.C. Case No. 32 of 2021 before the learned SDJM, Champua on 08.10.2021.
5. Learned counsel for the Petitioner also contended that the husband of the present Petitioner is facing two (2) other proceedings, which are pending in different Courts at Bhadrak. Accordingly, it is contended that the proceeding initiated in I.C.C. Case No. 32 of 2021 be transferred to Bhadrak. So that all the

matters can be heard and disposed of by the competent Court at Bhadrak.

6. Mr. P.S. Das, learned counsel appearing for the Opp. Party on the other hand submitted that instead of transferring the matter to Bhadrak, the matter be transferred to a competent court at Anandapur, so that both the Parties can participate in the proceeding there at Anandapur. But on being countered by this Court it is fairly admitted that no step has been taken by the present Opp. Party for transfer of the matter in Bhadrak Rural P.S. Case No. 381 of 2021, where the present Opp. Party is an accused. This Court further finds that the Opp. Party is also an accused in Bhadrak Town P.S. Case No. 453 dated 06.12.2021.

7. Since all the proceedings are pending at Bhadrak, this Court is inclined to transfer the matter in I.C.C. Case No. 32 of 2021 to the file of learned SDJM, Bhadrak. Accordingly, this Court directs learned SDJM, Champua to transfer I.C.C. Case No. 32 of 2021 to the Court of learned SDJM, Bhadrak forthwith on receipt of this order.

8. However, since it is contended that the F.I.R. lodged under Annexure-1 in Bhadrak Rural P.S. Case No. 381 of 2021 and the complaint case that was filed by the Opp. Party arise out of self same incident and all the offences are triable by the Court of Magistrate, if any such application is filed by the Opp. Party for trial of all the matters analogously by the learned SDJM, Bhadrak, then necessary order be passed in that regard as provided under law.

9. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha