

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**TRP(CRL) No.60 of 2022**

**Anita Mohapatra**

....

**Petitioner**

*Mr. Ajit Kumar Panda, Advocate*

*Versus*

**State of Odisha & Others**

....

**Opposite Parties**

*Mr. S.S. Pradhan, AGA*

**CORAM:**

**JUSTICE SAVITRI RATHO**

**ORDER**

**30.08.2022**

**Order No.**

02.

1. This matter is taken up through hybrid mode.
2. This application under Section 407 of Code of Criminal Procedure (in short Cr.P.C.) has been filed by the petitioner-wife for transfer of G.R. Case No. 957 of 2021 from the Court of learned S.D.J.M., Khurda, to the Court of learned S.D.J.M., Banki.
3. Mr. A.K. Panda, learned counsel for the petitioner submits that the petitioner is the informant in Begunia P.S. Case No. 160 of 2021 which corresponds to G.R. Case No. 957 of 2021 where chargesheet under Sections 498(A)/323/294/506/406/34 of I.P.C. and Section 4 of the D.P. Act has been filed against opposite parties no.2 to 5. On 07.10.2021, the cognizance of the offences have been taken and summons had been issued to the accused persons fixing their date of appearance on 02.04.2022.
4. It is averred in the petition at paragraph 4 as follows:-

“When the petitioner got the summons for adducing evidence, immediately thereafter the opposite party nos.2 to 5 threatened the petitioner over mobile phone to kill her and to take her life, if she will adduce evidence before the learned S.D.J.M., Khurda and anything say against the opposite party nos.2 to 5. The petitioner as an

woman having no support and having no one in her parental house to support the petitioner. From the village of the petitioner it is a distance of 40 kms to the learned S.D.J.M., Khurda and there is threat of life of the petitioner to go and adduce evidence. The threat of opposite party nos.2 to 5 to take the life of the petitioner over telephone on several occasions even otherwise, the petitioner is in threat of her life on danger. If the petitioner will go to adduce evidence before the S.D.J.M., Khurda. The evidence of the petitioner soalso other independent witnesses who are of Banki town are under threaten of their life as the opposite party nos.2 to 5 are the unsocial persons of the same locality having past antecedent and having relation with the most unsocial gundas of the locality of Khurda and the life of the petitioner and the other independent witnesses are within danger if they will go for adducing evidence before the learned S.D.J.M., Khurda. Finding no other course the petitioner is obliged to move the application for the transfer of the G.R. Case No. 957 of 2021 from the Court of the learned S.D.J.M., Khurda to the learned Court of learned S.D.J.M., Banki, if the case will not be transfer the trial of the case, hence this application.”

5. Mr. S.S. Pradhan, learned Additional Government Advocate submits that there is no basis for the allegations made against the opposite parties no.3 to 5 or apprehension of threat to life of the petitioner, as she has not complained to the Police at any time. Neither any documents nor any details of the cases

pending against the opposite party nos.2 to 4 have been given. He further submits that vide order dated 07.10.2021, summons have been issued to the accused persons and not to the petitioner to adduce evidence. The date when summons was issued to her has not been mentioned. The distance between the two places is only about 40 kms.

6. No averments or supporting document as regards complaint to the Police or the details of the cases which are pending against the opposite parties no.2 to 5 are given. Moreover opposite party no.4 is a lady. Hence the allegation is that the opposite parties are anti social and are giving threats to the petitioner are not believable. Moreover distance between Khurda and Bhubaneswar is about 40 kms. which is not much.

7. In view of the above discussions, and the scope of Section 407 of Cr.P.C., I do not find any merit in the TRP(CRL) and the same is accordingly dismissed.

8. Urgent certified copy of this order be granted as per rules.

*puspa*

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(Savitri.Ratho)  
Judge