

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (CRL) No.83 of 2019

1. Anita Tripathy
2. Rishab Tripathy

....

Petitioners

Mr. Mahitosh Sinha, Senior Advocate
Versus

Rakesh Kumar Tripathy

....

Opp. Party

CORAM:

JUSTICE SAVITRI RATHO

ORDER
29.08.2022

Order No.

04.

This matter is taken up by hybrid mode.

2. This application has been filed by the petitioners under Section 407 of Cr.P.C. for transfer of Criminal Proceeding No.122 of 2018 filed by the petitioners under Section 125 of Cr.P.C. in the Court of learned Judge, Family Court, Cuttack, to the Court of learned Judge, Family Court, Angul. Petitioner No.1 is the wife of opp. party and petitioner No.2 is their son.

3. Office note indicates that notice has returned un-served from the opp. party with endorsement "refused". Hence, notice is deemed to be sufficient against the opp. party.

4. Mr. M.Sinha, learned Senior Advocate for the petitioners submits that the marriage of the parties had been solemnized on 10.07.2016 at Similipada, Angul and on account of dissension and dowry torture, they have been residing separately since 07.06.2018. While the petitioner was staying in Professorpada,

Cuttack in the house of her relatives, the Criminal Proceeding No.122 of 2018 had been filed in the Court of learned Judge, Family Court, Cuttack. But in the meanwhile, as the petitioner No.1 had no means of income, she has moved to her parents house at Angul. As she is facing difficulty in coming to Cuttack to attend the case, she has filed this application for transfer from the Court of learned Judge, Family Court, Cuttack, to the Court of learned Judge, Family Court, Angul. He further submits that as the opp. party is a permanent resident of Angul, so he will not face any inconvenience if the case is transferred to Angul.

5. Considering the above submissions, the TRP (CRL) is allowed. Criminal Proceeding No.122 of 2018 pending in the Court of learned Judge, Family Court, Cuttack is transferred to the Court of the learned Judge, Family Court, Angul.

6. The learned Judge, Family Court, Cuttack is directed to send the case records of Criminal Proceeding No.122 of 2018 to the Court of learned Judge, Family Court, Angul by 14.09.2022. The parties shall appear before the learned Judge, Family Court, Angul on 26.09.2022. Notice be issued to the opp. party for his appearance if he does not appear on the said date.

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

8. A copy of this order be sent to the learned Judge, Family Court, Cuttack by the Registry forthwith.

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Savitri Ratho
Judge