

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(Crl.) No.63 of 2022

Durgamadhab Behera & Ors. Petitioners

-versus-

Sasmita Rana @ Behera & Anr. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
30.11.2022**

Order No

- 04.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. B.N. Tripathy, learned counsel for the Petitioners and Mr. B.P. Rath, learned counsel appearing for the Opp. Parties.
3. This transfer petition has been filed seeking transfer of Criminal Misc. Case No. 11 of 2022 pending in the file of learned J.M.F.C., Niali to the Court of learned S.D.J.M., Bhubaneswar.
4. It is the submission of the learned counsel for the Petitioners that the proceeding initiated by the wife before the learned J.M.F.C., Niali is not maintainable as there is no cause of action. It is also contended that there is threat of life and property of the Petitioners, if they attend the Court at Niali.
5. On the other hand Mr. Rath, learned counsel appearing for the Opp. Parties submitted that the Petitioners are appearing before the learned Court at Niali and in the meantime interim order of maintenance has been passed and the husband is also paying the interim maintenance.

6. Since the Petitioners are participating in the proceeding at Niali, the apprehension raised by Mr. Tripathy is not well founded. However, if at any point of time the Petitioners apprehend threat to their life or property, they can approach the local Police for giving them necessary protection.

7. It is observed that, if any, such application is moved during the pendency of the matter the local police shall consider that aspect and provide necessary protection if required. It is, however, observed that since the Petitioners have already entered their appearance before the Court at Niali, learned J.M.F.C., Niali is directed to conclude the proceeding within a period of six (6) months from the date of receipt of this order, if there is no other legal impediment.

8. The transfer petition is disposed of with the aforesaid observation and direction.

Sneha

(Biraja Prasanna Satapathy)
Judge