

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRPCRL No.65 of 2022

Jagadish Gond

....

Petitioner

Mr.Abhiram Swain, Advocate

Versus

State of Odisha

....

Opp. Party

Mr.S.S.Pradhan, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

30.08.2022

Order No.

02.

This matter is taken up by hybrid mode.

2. This transfer petition under Section 407 of the Cr.P.C. has been filed by the petitioner for transfer of Criminal Appeal No. 10 of 2014 from the Court of learned Additional Sessions Judge, Nabarangpur, to the Court of learned Additional Sessions Judge, Umerkote.

3. No application for transfer had been filed before the learned Sessions Judge, Nabarangpur.

4. Therefore, the TRP(CRL) is not maintainable in this Court, in view of Proviso 2 of Section 407 (2) of the Cr.P.C. which reads as under:-

“(2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:

Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.”

5. The TRP(CRL) is accordingly dismissed. Petitioner is at liberty to approach the appropriate forum, if so advised.

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

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Savitri Ratho
Judge

puspa

