

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (CRL) No.31 of 2015

Bhagirathi Mishra

.... ***Petitioner***
Mr.M.Mohapatra, Advocate

Versus

1.State of Odisha

2.Narmada Jena

....

Opp. Parties

CORAM:

JUSTICE SAVITRI RATHO

ORDER

01.08.2022

Order No.

03.

This matter is taken up by hybrid mode.

2. This application under Section 407 Cr.P.C. has been filed by the accused-petitioner for transfer of G.R. Case No.674 of 2011 from the Court of learned J.M.F.C., Koraput to the Court of learned J.M.F.C., Jeypore.

3. Section 407 (2) Cr.P.C. reads as follows:-

“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.”

4. In view of the provision contained under Section 407 (2) Cr.P.C. as delineated above, this TRP (CRL) is not maintainable before this Court as the petitioner has not moved the learned Sessions Judge, Koraput before approaching this Court. That apart, the case is pending since 2015 and no interim order has been passed.

5. The TRP (CRL) is therefore dismissed granting liberty to the petitioner to approach the appropriate Court, if any cause of action still survives.
6. Urgent certified copy of this order be granted as per rules.

.....
Savitri Ratho
Judge

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