

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No. 80 of 2022

1. *Rupashree Mohanty*

2. *Ajit Mohanty*

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Petitioners

Mr. S.N. Mishra, Adv.

Vs.

1. *Fakir Ch. Mohanty*

2. *Bishnu Priya Mohanty*

3. *Anurag Mohanty*

4. *Manasi Sahoo*

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Opposite Parties

CORAM:

JUSTICE SAVITRI RATHO

ORDER

28.09.2022

Order No.

(Through hybrid mode)

01.

1. Heard Mr. S.N. Mishra, learned counsel for the petitioners.

2. This application has been filed by the petitioners under Section 407 of Cr.P.C. for transfer of C.T. Case No. 1740 of 2021 from the Court of the learned S.D.J.M. Sadar, Baripada, to the Court of the learned S.D.J.M., Bhadrak. Petitioner no.2 is the minor son of the Petitioner No.1.

3. Mr. S.N. Mishra, learned counsel for the petitioners submits that the petitioners had earlier filed the TRPCRL No. 36 of 2022 which has been withdrawn on 25.07.2022 with liberty to file a better application. He further submits that after the death of the husband of the petitioner no.1, the petitioners were harassed and ill-treated for which the petitioner No.1 has lodged the FIR leading to registration of Baripada P.S. Case No.71 of 2021 against the opp. parties under Section 498-A/323/341/506/34 of the IPC. As the petitioners are staying in Bhadrak where petitioner

No. 1 has filed two cases (i) CRP Case No. 157 of 2021 in the Court of the learned Family Judge, Bhadrak under Section 125 of Cr.P.C. against the opp. party No. 3 and (ii) D.V. Misc. Case No. 297 of 2021 in the Court of the learned S.D.J.M., Bhadrak against the opp. parties, it would be convenient for her, if the C.T. Case No. 1740 of 2021 is also transferred to the Court of the learned S.D.J.M., Bhadrak.

4. Considering the fact that opp. party Nos.1 and 2 parent-in-laws of the petitioner are senior citizen aged about 75 years and 70 years and as presence of the petitioners will not be required in the Court on each date during trial, I do not consider it is a fit case to transfer the Criminal Trial from the Court of the learned S.D.J.M. Sadar, Baripada, to the Court of the learned S.D.J.M., Bhadrak.

5. As the petitioner No.1 apprehends that there may be some danger to her life, when she goes to the Court of the learned S.D.J.M. Sadar, Baripada for adducing evidence, liberty is granted to her to approach the Superintendent of Police, Baripada for police protection for appearing in the trial Court, who shall deal with the same in accordance with law.

6. The TRPCRL is disposed of with the aforesaid observation.

7. Issue urgent certified copy as per rules.

Sukanta

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(SAVITRI RATHO)
JUDGE