

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.69 of 2021

Chandrakala Das

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

29.03.2022

Order

No.

02.

1. This matter is taken up through hybrid mode.
2. This petition has been filed by the Petitioner-wife to transfer of Sessions Trial No.31 of 2021, arising out of Khallikote P.S. Case No.265 of 2020 from the court of Additional Sessions Judge, Khallikote, Ganjam to the court of Sessions Judge, Bhubaneswar or any other competent court, as the accused police officer is working in the same police district and the victim is residing at Bhubaneswar for some physical problem.
3. Heard the learned counsel for the Petitioner. However, no one appears on behalf of the Opposite Party in spite of notice.
4. However, the materials available on record would go to show that Opposite Party No.2 is not working within the jurisdiction of the trial court. He is posted more than 100 kilo

meter away from the jurisdiction of the court though in the same police district. It is also stated that the since the Petitioner is suffering from chaste pain and some health problem, but no convincing material is produced before this Court to come to a conclusion that her travel to Khallikote which not far away from Bhubaneswar would cause dangerous to health. Both the places are well connected. Most of the witnesses are of the Khallikote locality.

5. Therefore, this Court is of the view that the prayer made on the ground that for free and fair trial and for health reasons of the Petitioner, the aforesaid case be transferred to any other jurisdiction at Bhubaneswar, is without any substance.

6. Hence, the prayer made to transfer the aforesaid case is devoid of merit. But liberty is given to the Petitioner during the trial, if faced any difficulty in deposing there or any threat extended to her to bring the same to the notice of the court and in that event, the court shall address the same in proper perspective.

7. With the aforesaid order, this transfer petition stands disposed of.

(S. Pujahari)
Judge

DA