

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49305 of 2023

Arising Out of PS. Case No.-189 Year-2011 Thana- BUXAR District- Buxar

Namita Chandra @ Namita Kumari @ Kumari Namita Daughter Of Mr. Shiv Bhagawan Gupta Resident Of Kazipur Road No 4, Post And Ps- Kadamkuan, Dist- Patna, Bihar

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Mr. Satish Chandra Son Of Mr. Umesh Chandra Resident Of Gajadhar Ganj, Station Road, Ps- Buxar (NAGAR), Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Jha, Adv.
For O.P. No. 2	:	Mr. Ajay Kumar Sinha, Sr. Adv., Ms. Dilkash Khan, Adv., Mr. Pravin Kumar, Adv.
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 01-08-2025 This is an application under Section 407 of the Cr.P.C. to transfer Buxar Town P.S. Case No. 189 of 2011, pending before the learned Sub Divisional Judicial Magistrate, Buxar to the competent court of the same jurisdiction at Patna.

2. The petitioner is the informant of Buxar Town P.S. Case No. 189 of 2011, under Section 498A/341/323 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. It is submitted by the learned Advocate on behalf of the petitioner that two other cases namely Complaint Case No. 2328 C of 2006 and Matrimonial Case No. 478 of 2018 are pending in different courts at patna. The petitioner being a lady, if the aforesaid case being Buxar Town P.S. Case No. 189 of 2011 is transferred to Patna,



it would be convenient for the petitioner, who is a destitute lady, staying at her paternal home to contest the same case.

4. The learned Advocate on behalf of opposite party no. 2, on the other hand, submits that trial of the Buxar Town P.S. Case No. 189 of 2011 is concluded. Accused has been examined under Section 313 of the Cr.P.C. and the case is only pending for argument.

5. At this stage, there is no need to transfer the case, even if the learned Advocate for the informant can argue the case in her absent and secondly, the case being instituted on Police report, it is for the A.P.O. to argue the case on behalf of the State. The petitioner does not have any role in the argument. The petitioner has also not stated that she has engaged an Advocate on her behalf to argue the above mentioned Police case.

6. Since, the trial of the Buxar Town P.S. Case No. 189 of 2011 is concluded and the case is only pending for hearing argument and delivery of Judgment, I do not find any reason to transfer the case to Patna.

7. The application is therefore rejected.

(Bibek Chaudhuri, J)

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