IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPC No. 36 of 2025

Satyabrata Sahoo ... ... *Petitioner*

-Versus-

Pabhasini Sahoo & another ... ... *Opp. Parties*

Advocates appeared in this case:

For Petitioner : Mr. Biswajit Pasayat, Advocate

For Opp. Parties: Mr. Saurav Tibrewal,, Advocate

CORAM:
THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Date of hearing and judgment: 9th April, 2026

PER ***MRUGANKA SEKHAR SAHOO, J.***

1. The petitioner-husband in the marriage is before this Court and has filed application under Section 447 of the Bharatiya Nagarika Suraksha Sanhita, 2023 seeking transfer of the criminal proceeding, i.e., C.M.C. No.29 of 2025 filed by the opposite party-wife pending before the learned Judge, Family Court, Bargarh to the Court of learned Judge, Family Court, Bhubaneswar. The said

proceeding has been initiated under Section 144 of the BNSS, 2023 by the wife in the marriage seeking monthly maintenance from the husband.

Due to pendency of the present proceeding, the proceeding before the learned Judge, Family Court, Bargarh has been interdicted as prayer for adjournment to be sought for before the learned Judge, Family Court was allowed by interim order of this Court dated 19.06.2025.

2. Learned counsel for the Petitioner is heard at length and learned counsel for the Opposite Parties also responded in brief.

3. The territorial jurisdiction under which the application under Section 144 of BNSS, 2023 can be filed has been provided in the BNSS, i.e. Section 145. The corresponding Sections in the Cr.P.C. were Section 125 & Section 126 respectively. For convenience of reference Section 145 of BNSS, 2023 is reproduced herein.

> *"145. Procedure.— (1) Proceedings under section 144 may be taken against any person in any district—*
>
> *(a) where he is; or*
>
> *(b) where he or his wife resides; or*
>
> *(c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child; or*
>
> *xxx xxx xxx"*

4. It is submitted by the learned counsel for the Petitioner that the Petitioners before the learned Judge, Family Court, Bargarh, who are the present Opposite Parties in the present application reside at Bhubaneswar. In considered opinion by this Court that would be a matter of evidence and pleading

before the learned Family Court, whether it would be an issue before the learned Judge, Family Court is beyond purview of the present application.

5. In view of the specific provisions contained in Section 145 of BNSS, 2023 the wife has a choice of filing of an application where she wants and the Section itself provides that a proceeding under Section 144 of BNSS, 2023 can be initiated against any person in any district.

6. It is submitted by learned counsel for the Opposite Parties that the averments made in the petition as well as the submissions made to support the prayer for transfer of the application are not correct. The wife opposite party has been harassed a lot. She has gone through immense difficulties and she has sought for intervention of Court to seek maintenance. The place of the initiation of the proceeding is in accordance with Section 145 of the BNSS, 2023. Therefore, he prays that the application be dismissed.

7. Having considered the rival contentions and considering the provisions contained in Section 145 of BNSS, 2023, in considered opinion of this Court, the application under Section 144 of BNSS, 2023 can be filed at the place where the wife wishes to file, i.e., at Bargarh. The prayer for transfer of the same on different grounds as contended such as convenience of the husband at Bhubaneswar and the minor child prosecuting at Bhubaneswar are not relevant considerations.

8. Accordingly, the petitioner has to be and is rejected.

9. However, it is observed that if the parties before the learned Judge, Family Court, Bargarh are so advised they can make application before the leaned Court for appearing by utilizing the Information and Communication Technology (ICT) facility if available, such as virtual hearing from remote location, etc. In case such application is made before the learned Court in seisin of the matter, the same shall be considered and appropriate order shall be passed in accordance with law.

Copy of this order shall be forwarded by the Registry to the learned Judge, Family Court, Baragarh to be kept in the file of C.M.C. No.29 of 2025.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 9th April, 2026 / Amit

Signature Not Verified
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Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 11-Apr-2026 16:32:31