

(2023) 10 OHC CK 0034
In the Orissa High Court
Case No : TRPCRL No. 92 Of 2023

Krutibas Chandan And Another

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 09-10-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 407

Citation : (2023) 10 OHC CK 0034

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : A. Das, S.N. Pattnaik

Final Decision : Dismissed

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is an application U/S 407 of the Code of Criminal Procedure, 1973 (In short the 'Code') by the petitioners-accused praying for transfer of case in S.C. Case No. 08 of 2023 from the Court of learned Addl. Sessions Judge, Kantabanji either to the Court of learned Addl. Sessions Judge, Bhawanipatna or learned Addl. Sessions Judge, Dharamagarh.

3. Mr. A.Das, learned counsel for the petitioners submits that the occurrence took place between the parties in village Mahaling, but the F.I.R. was lodged against the petitioners in Kantabanji Police Station and accordingly, right now the case is pending before the learned Addl. District and Sessions Judge, Kantabanji, but the facts remains that the distance between Mahaling and Kantabanji is around 55 Kms, but the distance between Mahaling and Bhawanipatna is 30 Kms., whereas the distance between Mahaling and Dharamagarh is 20 Kms and therefore, for convenience of the parties, the aforesaid sessions case may kindly be transferred to either of the Court of Additional District and Sessions Judge at Bhawanipatna

or Dharamagarh. Learned AGA on the other hand opposes such prayer of the petitioners by contending inter alia that the inconvenience of the parties is not a ground to transfer a Session case.

4. In view of the aforesaid rival submission and taking into consideration the nature of prayer made for the petitioners and the comparative distance between the places as submitted and status of the petitioners as Government employees being teachers, this Court does not find any ground to entertain this transfer application.

5. Hence, the transfer application of the petitioners stands dismissed.

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