



THE HIGH COURT OF ORISSA, CUTTACK

TRPCRL No.24 of 2006

CNR No. ODHC010196992006

Jaheda Jasmeen *Petitioner*

-Versus-

Firoz Khan *Opposite Party*

For Petitioner : *Mr. Tusar Kumar Mishra*
Advocate

For Opposite Party : *None*

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 22.09.2026

S.K. MISHRA, J.

1. Pursuant to the order dated 11.09.2026, the learned District Judge, Nayagarh I/C, vide his letter No.4532 dated 22.09.2026, has forwarded the status report submitted by the learned Civil Judge (Jr. Division)-cum-S.D.J.M., Nayagarh, under letter No.1471 dated 22.09.2026 in 1.C.C. Case No.14 of 2006. From the said report, it is



revealed that 1.C.C. Case No.14 of 2006 is still pending , as this Court, vide order dated 29.08.2006 passed in Misc. Case No.29 of 2006, stayed further proceeding in 1.C.C. Case No.14 of 2006. It is further revealed from the said Report that, 1.C.C. Case No.14 of 2006 now stands posted to 28.09.2026, awaiting intimation from this Court. That apart, the L.C.R. is presently available with the Registry, being called for by this Court vide order dated 29.08.2006. The said report received from the Office is taken on record.

2. The present transfer petition has been preferred by the Petitioner-wife, under Section 407 of the Code of Criminal Procedure, for transfer of the proceeding in 1.C.C. Case No.14 of 2006, pending in the Court of learned S.D.J.M., Nayagarh, to the Court of learned S.D.J.M., Bhubaneswar on the grounds detailed in the transfer petition.

3. Office note indicates that the S.R. of the admission notice issued to the Opposite Party has returned unserved with the postal endorsement “Refused”. That apart, the



notice issued to the Opposite Party through Court process was also served on him by way of affixture in his absence. Hence, notice on the Opposite Party is held to be sufficient.

4. Since the transfer petition is pending for the last 20 years, the same is taken up for hearing and disposal in absence of the Opposite Party, who is the Complainant in 1.C.C. Case No.14 of 2006.

5. At this stage, Mr. Mishra, learned Counsel for the Petitioners submits, Petitioner No.2, who was one of the co-accused in 1.C.C. Case No.14 of 2006, has died in the meantime. Hence, the present transfer petition, so far as Petitioner No.2, stands abated and the prayer made in the transfer petition is confined to Petitioner Nos. 1 and 3.

6. Mr. Mishra, learned Counsel for the Petitioners, reiterating the grounds urged in the transfer petition, submits that Petitioner No.1, who is the wife of the Opposite Party, lodged an F.I.R. before Jatni Police Station, but the same was not registered. Because of the said inaction on the part of the Police, she filed a complaint case, i.e., 1.C.C.



Case No.115 of 2002, before the learned S.D.J.M., Bhubaneswar. The learned S.D.J.M., vide order dated 02.02.2002, forwarded the said complaint under Section 156(3) of the Cr.P.C. to the I.I.C., Jatni P.S., for registration of the same. Thereafter, the said complaint was registered under Sections 498-A/34 of the I.P.C., read with Sections 3 and 4 of the Dowry Prohibition Act, 1961 corresponding to G.R. Case No.366 of 2002.

7. Mr. Mishra, learned Counsel for the Petitioners, further submits that the present Opposite Party and the in-laws of Petitioner No.1 were released on bail pursuant to the order passed by this Court in Criminal Misc. Case No.2006 of 2002, subject to their surrendering before the learned S.D.J.M., Bhubaneswar, on 23.03.2002. Thereafter, when Petitioner No.1 came to Cuttack with her minor daughter for her treatment and also to consult her Advocate, the Opposite Party and his brother, namely, Amzad Khan, scolded and threatened Petitioner Nos.1 and 2 in front of the main gate of this Court. Apprehending threat to her life, she



lodged an F.I.R. before Lalbag Police Station, Cuttack, under Sections 341, 294, 506 and 34 of the I.P.C., vide P.S. Case No.74 of 2002, corresponding to G.R. Case No.416 of 2002, pending in the Court of the learned S.D.J.M., Cuttack.

8. That apart, Petitioner No.1 also filed an application under Section 125 of the Cr.P.C. seeking maintenance from the Opposite Party for herself and her minor daughter before the Court of the learned J.M.F.C., Bhubaneswar, vide M.C. No.109 of 2002. The learned Court below, after considering the facts and circumstances of the case, directed the Opposite Party to pay maintenance of Rs.300/- each to Petitioner No.1 and her daughter from the date of the application, i.e., 31.08.2002. Due to non-payment of the said amount, distress warrant was issued against the Opposite Party. It is further submitted that the Opposite Party attempted to kidnap the minor daughter on 08.12.2005 and 16.12.2005 from her school at Jatni, for which Petitioner No.1 also lodged a complaint before Jatni P.S. However, the O.I.C., Jatni P.S., did not accept the F.I.R.



9. Thereafter, to take revenge, the Opposite Party intentionally filed a complaint case before the Court of the learned S.D.J.M., Nayagarh, bearing number 1.C.C. Case No.14 of 2006. The learned S.D.J.M., Nayagarh, vide order dated 16.05.2006, took cognizance of the offences under Sections 323, 364 and 34 of the I.P.C. and summoned the Petitioners to appear on 11.07.2006 at 10.30 A.M. to face the said proceeding.

10. Mr. Mishra, learned Counsel for the Petitioners further submits, the Petitioner No.1 being a deserted lady, having no income, it would be difficult on her part to attend the proceeding at Nayagarh, so also to bear the litigation expenses. That apart, there is a life threat, if she appears before the Court at Nayagarh.

11. Though a stand has been taken in the transfer petition that Petitioner No.2 was an old lady aged about 69 years and was suffering from various ailments and was unable to travel to attend the proceeding at Nayagarh, since



she has died in the meantime, the said ground is no more available to be considered in the present transfer petition.

12. However, taking into consideration the grounds urged in the transfer petition, more particularly, the conduct of the Opposite Party-husband, as detailed above, this Court is inclined to allow the prayer made in the transfer petition.

13. Since the T.C.R. in 1.C.C. Case No.14 of 2006 is available with the Registry, the Office is directed to immediately transmit the original records in 1.C.C. Case No.14 of 2006 to the Court of the learned S.D.J.M., Nayagarh, who shall, in turn, transmit the said record to the Court of the learned S.D.J.M., Bhubaneswar, at the earliest, preferably within a period of seven days from the date of receipt of the record from this Court.

14. On receiving the case record in 1.C.C. Case No.14 of 2006 from the Court of learned S.D.J.M., Nayagarh, the Court of learned S.D.J.M., Bhubaneswar shall re-register the said case, if so required, and proceed further in accordance with law, giving due opportunity to the parties



and shall try to conclude the proceeding 1.C.C. Case No.14 of 2006 at the earliest.

15. Since the Opposite Party-husband refused to receive notice and chose not to appear in the present case, the learned S.D.J.M., Bhubaneswar, after receiving the records, shall issue notice to the Parties, and thereafter shall proceed further in 1.C.C. Case No.14 of 2006 in accordance with law.

16. The parties are directed not to seek for unnecessary adjournments and cooperate with the learned S.D.J.M., Bhubaneswar for early disposal of 1.C.C. Case No.14 of 2006, as directed above.

17. With the said observation and direction, the transfer petition stands allowed and disposed of.

18. Office is directed to communicate a copy of this Judgment to the Court of learned S.D.J.M., Nayagarh, so also the Court of learned S.D.J.M., Bhubaneswar enabling the said Courts to act in terms of the observations made above.



19. Interim order dated 29.08.2006 passed in M.C. No.29 of 2006 stands vacated. The I.A. stands disposed of accordingly.

Urgent certified copy of this Judgment be granted on proper application as per rules.

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S.K. Mishra, J.

*Orissa High Court, Cuttack.
Dated, 22nd September, 2026/Prasant*

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR PRADHAN
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 24-Sep-2026 18:14:23

