



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.31 of 2026

Renuprava Nayak

....

Petitioner

Mr. A.K. Jena, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. P.K. Mohanty, ASC

CORAM:

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

21.05.2026

(Hybrid Mode)

Order No.

02.

1. The matter is taken up in Virtual Court.

Learned counsel for the Petitioner is heard at length.

The Petitioner before this Court is the complainant and one of the witnesses in Khandapada P.S. Case No.21 of 2023, corresponding to G.R. Case No.21 of 2023 under Section 420/294/507/34 of the I.P.C., is now pending in the Court of learned J.M.F.C. She seeks transfer of trail from the court of learned J.M.F.C., Khandapada to learned S.D.J.M., Cuttack.

2. On being asked, it is submitted by the learned counsel for the Petitioner that the cause of action



arises is at Khandapada the F.I.R. was lodged at Khandapada.

3. To support the prayer for transfer, it is submitted by the learned counsel for the Petitioner referring to copy of the charge sheet annexed to the petition at Page-19 regarding the witnesses 1 to 5. It is submitted all the witnesses belong to Cuttack. Witness No.6 belongs to Boudh. He submits that since all witnesses belong to Cuttack matter should be transferred to the Court of learned S.D.J.M., Cuttack. The Petitioner being a lady, she has difficulty to appear at Khandapada. Therefore, it should be transferred.

4. In response to the same, learned counsel for the Petitioner was asked under which provision of Cr.P.C./BNSS, 2023 this Court has the power to transfer the case on the ground that it has to be at a place where all the witnesses reside though the cause of action arises at a place where the trial is pending.

The learned counsel was requested to apprise any provision in the Cr.P.C. or any case law where convenience of the witness/residence of witness shall be the basis of transfer of pending trial from the Court which has jurisdiction as defined in Chapter-XII of the Cr.P.C., particularly Sections



177 & 178.

5. Learned counsel submits that this Court has power under Section 407 of the Cr.P.C. (since repealed and substituted by pari materia provision contended 447 of BNSS, 2023).

6. Learned counsel for the Petitioner then refers to Paragraphs-6 & 7 of the application, which state thus:

“6) That, it is most humbly states here that, the Opp. Party No-2&3 are the local persons of Khandapada area and having influence in their locality after registration of this F.I.R against their name the 7 to 8 times given threatened the petitioner to withdraw the case otherwise they kill me and my family. The accused persons also threatened that if the petitioner and other witnesses go to learned J.M.F.C Court Khandapada to depose in this case, they will certainly beat them may and may kill also.

7) That, after getting frequent threat from the Opp. Party No-2&3 she has not lodged any F.I.R due to fear but she has intimated to her relation who have told that they cannot fight (legally) with them as they are the unsocial persons.”

7. With reference to the statements made by the Petitioner at Paragraphs 6 & 7 the learned counsel is asked whether the present petitioner has made any complaint before the law enforcement agency and if the Petitioner feels threatened at Khandapada, how by transfer of the trial to Cuttack, that can be ameliorated without the matter being informed to the law enforcement agency. It is submitted that the Petitioner is a lady,



she has chosen not to lodge any F.I.R. after receiving threats.

8. Learned counsel for the Petitioner is also apprised of the fact that since threatening of witness particularly the complainant amounts to interference in the dispensation of justice in the pending trial before the learned J.M.F.C., Khandapada whether any complaint or any appraisal has been made to the learned J.M.F.C.

It is submitted that there is no such provision where the Court in which the trial is pending can be apprised if the witness is threatened or the trial is interfered with.

9. It is therefore submitted by the learned counsel for the Petitioner that the power conferred under Section 407 of the Cr.P.C. (since repealed and substituted by *pari materia* provision contended 447 of BNSS, 2023) can be exercised by this Court to transfer trial pending looking at convenience of the witnesses and when there is threat perception to the Petitioner though petitioner chooses not to inform the law enforcement agency the court in seisin of the matter.

10. On being further asked whether any such precedence regarding convenience of witnesses and



wherever the complainant thinks it proper to pursue the matter, it is submitted that this Court can create precedence by passing such an order.

11. Copy of this order shall be forwarded to the learned J.M.F.C., Khandapada to furnish a report if any complaint will be made regarding interference with the trial like threat to witness/complainant, whether the said court/appropriate court can proceed in the matter to ensure free and fair trial under the provisions of law. The reports shall be obtained by the Registry by forwarding copy of this order along with copy of the RPFAM application by e-mail to the learned court.

I.A. No.23 of 2026

12. Learned counsel for the Petitioner insists for an interim order regarding adjournment of the proceeding.

On being asked, he submits that cognizance has been taken.

The I.A. shall lie over.

The matter shall be listed for 'Fresh Admission' in the week commencing 29th June, 2026.

(Mruganka Sekhar Sahoo)
Judge

Signature Not Verified

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 26-May-2026 18:29:12

