
(2016) 04 JH CK 0111
In the Jharkhand High Court
Case No : Tr. Petition (Cr.) No. 24 of 2014

Imtiyaz Ahmad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-04-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 406

Citation : (2016) 3 JBCJ 89

Hon'ble Judges : Rongon Mukhopadhyay, J.

Bench : Single Bench

Advocate : Mr. Mokhtar Ahmed, Advocate, for the Appellant; Mr. K. Panda, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Rongon Mukhopadhyay, J.—Heard Mr. Mokhtar Ahmed, learned counsel appearing for the petitioner, Mr. Sanjay Kumar Pandey-II, learned A.P.P. for the State and Mr. K. Panda, learned counsel for the respondents no. 7 to 12.

2. The petitioner in this application has prayed for transfer of Raj Nagar P.S. Case No. 89 of 2013 pending before the learned Sessions Judge, Saraikella-Kharsawan to any equivalent court at Jamshedpur, East Singhbhum.

3. It has been submitted by the learned counsel for the petitioner that initial information with respect to the disappearance of the son of the petitioner was given by the petitioner before Jugsalai Police Station but only on account of the fact that the dead body of the son of the petitioner was recovered at a place within the jurisdiction of Raj Nagar Police Station the said case was instituted. Learned counsel for the petitioner Submits that the accused persons are threatening him and in fact he has already entered his apprehension by making a communication to the Officer In-charge of Jugsalai Police Station, Jamshedpur. It has been submitted that if the case is tried at Saraikella-Kharsawan the witnesses may not turn up out of fear.

4. From the status report which was called for from the learned trial court, it appears that out of fourteen charge-sheeted witnesses one witness has been examined as yet. The petitioner wants to transfer his case to Jamshedpur which is admittedly at the distance of only 40 km. from The petitioner has failed to make out a case for transferring of Raj Nagar PS. Case No. 89 of 2013 from Saraikella to Jamshedpur. However without acceding to the prayer of the petitioner it is however observed that if the petitioner approaches the Senior Superintendent of Police, East Singhbhum at Jamshedpur for providing necessary protection to the witnesses for their deposition before the learned trial court at Saraikella, the Senior Superintendent of Police, East Singhbhum, Jamshedpur shall do the needful.

5. This application is disposed of with the observations made herein above.