
(2001) 10 RAJ CK 0066

In the Rajasthan High Court

Case No : Criminal Transfer Petition No. 14 of 2001

Kamlesh Paharia

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 04-10-2001

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 407, 408
Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2002) 2 RLW 1173 : (2002) 2 WLC 290

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : K.K. Sharma, for the Appellant; B.M. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Parihar, J.—A trial for an offence u/s 302 and 302/34 ITC has been pending against the petitioner before the Sessions Judge, Kota. The Sessions Judge, Kota transferred the above case to the Additional Sessions Judge (Fast Track) No. 2, Kota, vide order dated 2.6.2001. After transfer of the sessions case to the Additional Sessions Judge (Fast Track) No. 2, Kota, the petitioner filed an application on 9.7.2001 before the above court for transferring the matter back to the Sessions Court, Kota, where the trial was earlier pending. The application of the petitioner was rejected by the trial court vide order dated 31.7.2001. The present petition for transfer of the case, u/s 407 Cr.P.C. has been filed by the petitioner for transferring the trial back to the Sessions Court, Kota mainly on the ground that the trial had almost been completed before the Sessions Court, Kota and, at this stage, the transfer of the trial court not be made to the other court.

2. Mr. K.K. Sharma, learned counsel for the petitioner, has relied on the judgment of this court in the case of "Nasruddin v. State of Rajasthan" (1), decided on 11.9.2000.

3. After hearing learned counsel for the petitioner, 1 have carefully gone through

the material on record as also the order impugned in the present petition.

4. The State Government, vide Notification dated 31.3.2001, created/established 40 courts of Additional District & Sessions Judge (Fast Track Courts) at various places in the State of Rajasthan, for disposal of the pending sessions cases. The High Court, vide order dated 30.5.2001, directed and authorised all the District & Sessions Judges concerned, in whose jurisdiction such Fast Track Courts have been created/ established, to transfer preferably those Sessions Cases which are pending for more than two years and in which accused persons are in judicial custody from their courts or the courts of Additional District & Sessions Judges to the newly created/established courts of Additional District & Sessions Judges (Fast Track).

5. Under the order and directions of this Court, the sessions case, in the present matter, was also transferred to the Court of Additional Sessions Judge (Fast Track) No. 2, Kota by the Sessions Judge, Kota. The very purpose of creating/ establishing Fast Track Courts was to give relief to the accused whose trials were pending for long. Powers u/s 407 and 408 Cr.P.C. have not been disputed so far, however, in the present matter, since the transfer has been made under the directions and authorisation of this Court, in my opinion, no interference is called for by this court in the present petition. If such petitions are entertained by this Court, the very purpose of establishing Fast Track Courts shall be frustrated. The judgment cited at the Bar by learned counsel for the petitioner is not applicable in the facts of the present case.

6. Accordingly, the petition is dismissed.

7. This Court, while granting time to learned counsel for the petitioner to submit some documents, also passed an interim order on 19.9.2001, directing the trial court not to decide the case finally till the next date. Since the petition for transfer itself has been dismissed, the trial court is now directed to conclude the trial expeditiously.

8. A copy of this order be sent to the learned trial Court immediately.