
(1983) 01 SC CK 0008

In the Supreme Court Of India

Case No : Transfer Petition No. 102 of 1982

Ranjit Singh, Niranjan Singh and Karam Singh

APPELLANT

Vs

Popat Rambaji Sonavane and Others
Popat Rambhaji
Sonavane and Others Vs State of Maharashtra and Another

RESPONDENT

Date of Decision : 04-01-1983

Acts Referred:

Penal Code, 1860 (IPC) — Section 341, 395, 504, 506

Citation : AIR 1983 SC 292 : (1983) CriLJ 437 : (1983) 1 Crimes 623 : (1983) 1
SCALE 97 : (1983) 1 SCC 298

Hon'ble Judges : R. B. Mishra, J;D. A. Desai, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. By this petition the petitioners seek transfer of Sessions Case No. 137 of 1982 pending with Additional Sessions Court No. 5, Pune to any other Court competent to try the same at Indore in the State of Madhya Pradesh.

2. On a complaint filed by petitioner Ranjit Singh respondents 1 to 9 are being prosecuted for having committed offences under Sections 395 and 506 of the Indian Penal Code. It is alleged that on November 19, 1981 at about 8.00 p.m. when the petitioner was proceeding towards his house, respondents Nos. 1 to 9 surrounded him, abused and threatened to kill him and he was robbed of a golden chain and an amount of Rs. 500/-. The petitioner went to lodge the first information report to the police chowki, but the police declined to accept the information and take follow-up action. Therefore, on November 23, 1981, the petitioner filed a private complaint in the Court of Judicial Magistrate. The learned Magistrate took cognizance and held a preliminary enquiry. The petitioner examined 4 witnesses and thereafter the learned Magistrate framed a charge against the respondents for having committed offences under Sections 395, 341, 504 and 506, I.P.C. The learned Magistrate committed the case to the Court of Sessions which is numbered a Sessions Case No. 137 of 1982.

3. It is alleged that two of the respondents are relations of the local police officers and because of an incident in the town of Ahmednagar in which the brother of the petitioners was murdered, the entire police force of Maharashtra has become inimical to the petitioner. The petitioner says that he was forced to shift to Indore and if he is required to go to Pune for prosecuting the case, his safety is in danger and on this ground he seeks transfer of the case.

4. Respondents are in jail and they have filed SLP No. 3042 of 1982 for being released on bail. In that petition, they have contested all the averments made by the petitioners while pointing out that they have been in jail unnecessarily for the last 7 months and the transfer will further delay the hearing of the case which would necessitate their continued detention in jail.

5. The petitioner was present in person. Though he argued as a party in person, he is a member of the legal profession and he canvassed all possible contentions in support of the transfer petition.

6. The solitary ground urged is that if the petitioner is asked to go to Pune where on his admission he has a house, his safety would be in danger. This is too nebulous a ground for transferring a case from Pune to Indore. It may be noted that all four witnesses are from Pune. But we must also take necessary precaution for assuring the safety of the petitioner when he is required to attend the Court at Pune.

7. Mr. Handa, learned advocate who appeared for the State of Maharashtra stated that the State would extend all possible facilities as directed by this Court to ensure the safety and security of the petitioner. That should put an end an apprehension on our part about the safety and security of the petitioner and would also knock-out the ground on which the petition for transfer is founded.

8. We reject the transfer petition. The highest Police Officer?The Commissioner of Police?should made full arrangement for taking, if need be, in a police jeep of the petitioner from the railway station or the hotel where he is staying or from his house, if there be any, to the Court on the date of the hearing and return safety to the railway station, if he is going out of Pune or the hotel where he is staying or his house. While the petitioner is in Court, arrangement should be made for his safety and security. This arrangement is to be made for the period evidence of the petitioner is required to be recorded.

9. We order accordingly.