

ITEM NOS.1616+1617

COURT NO.17

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(Criminal) No. 242/2024

XYZ

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(FOR ADMISSION and IA No.61728/2024-STAY APPLICATION and IA No.61730/2024-EXEMPTION FROM FILING O.T.)

TRANSFER PETITION (CRIMINAL) Diary No.10376/2024
(FOR ADMISSION and IA No.95925/2024-STAY APPLICATION, IA No.95926/2024-EXEMPTION FROM FILING O.T. and IA No.95779/2024-CONDONATION OF DELAY IN REFILEING TP)

Date : 02-05-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s)

Mr. Ali Qambar Zaidi, Adv.
Ms. Mugdha, Adv.
Mr. Kamran Khawja, Adv.
Mr. Satya Mitra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Delay in refiling the Transfer Petition is condoned.
2. The petitioners - prosecutrix pray for transfer of (i) Case Crime No.35 of 2022 pending before the Court of Judicial Magistrate, Kasya, Kushinagar to a competent Court in New Delhi and (ii) Sessions Case No.1289 of 2023 pending before the Court of Additional District and Sessions Judge, Special Judge, POCSO Court, Padrauna, Kushinagar to the District Court of Rohini, New Delhi.
3. The learned counsel for the petitioner submits that the Respondent No.2 was successful in evading his arrest. It is also submitted by the learned counsel that even though non-bailable warrant was issued against Respondent No.2 - accused, still he was

untraceable by the police machinery and subsequently anticipatory bail application filed by Respondent No.2 was allowed by the High Court of Judicature at Allahabad. However, in Transfer Petition (Crl.) Dy. No.10376/2024, anticipatory bail application filed by the petitioner was rejected by this Court.

4. The learned counsel submits that Respondent No.2 - accused being influential person, the petitioners are apprehensive of their safety. Thus, on this submission, the learned counsel prays for transfer of (i) Case Crime No.35 of 2022 pending before the Court of Judicial Magistrate, Kasya, Kushinagar to a competent Court in New Delhi and (ii) Sessions Case No.1289 of 2023 pending before the Court of Additional District and Sessions Judge, Special Judge, POCSO Court, Padrauna, Kushinagar to the District Court of Rohini, New Delhi, on the ground of hardship.

5. In view of the above, issue notice to Respondent No.1 - State of U.P. and Respondent No.2 - accused, returnable on 10-7-2024 in both the matters.

6. As prayed for, liberty is granted to serve the Standing counsel for State of U.P.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)