

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 74 OF 2007(for prel.hearing)

RAM LAL CHAUHAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay,exemption from filing O.T. and office report )

Date: 07/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Anis Suhrawardy,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Petitioner is the father of the deceased. He has filed this transfer

petition for transfer of the case F.R.No.6/2004(FIR No.78 of 2003 dated

29.12.2003) from Bikaner(Rajasthan), where the case is pending, to Civil Judge

Ludhiana(Punjab). The ground taken by him in support of his petition is that

the respondents are threatening the prosecution witnesses and the family of the

deceased is not in a position to meet the traveling and staying expenditure at

Bikaner.

If the prosecution witnesses are threatened, the petitioner has a remedy. So far as the ground of meeting the expenditure for traveling and stay at Bikaner is concerned, in our opinion the same by itself cannot be a ground for transfer of a criminal trial, which would be disadvantageous to the accused person. However, there cannot be any doubt so far in the event the petitioner is being threatened, he may approach the Superintendent of Police concerned who may take the necessary action if the allegations are found to be correct.

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Before parting, we may, however, notice that the petitioner in this

transfer petition has not only impleaded the Civil Judge AB Cum Judicial Magistrate, 1st Class but also has impleaded the Inspector General of Police,

Police Headquarters, Bikaner who are wholly unnecessary parties.

The transfer petition is dismissed with the aforementioned observations.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master