

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). 148 OF 2008

ANJAN UPADHYAYA & ANR.

Petitioner(s)

VERSUS

PAWAN KUMAR CHAMLING & P.C.'KIRAN' & ORS

Respondent(s)

(With appln(s) for ex-Parte stay and office report)
(For Final Disposal)

Date: 08/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. R.K. Singh, Adv.
Ms. Deepa Rai, Adv.
Mr. Prem Sunder Jha, Adv.

For Respondent(s) Mr. A.Mariarputham, Sr. Adv.
Mrs. Aruna Mathur, Adv.
Mr. Vimal Dubey, Adv.
Mr. Amarjeet Singh Girsal, Adv.
for M/S Arputham, Aruna & Co., Adv.

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

The transfer petition is allowed in terms of the
signed order.

(Ajay Kr. Jain)
Court Master

(Veera Verma)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.)NO.

148 OF 2008

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Petitioners

Versus

Pawan Kumar Chamling
'Kiran' & Ors.

& P.C.

....

Respondents

O R D E R

Heard learned counsel for the petitioners as also

the learned counsel for the respondents.

The petitioners herein are accused in a private complaint filed by respondent No. 1 herein, who is presently the Chief Minister of the State of Sikkim. The complaint was filed before the Chief Judicial Magistrate, Gangtok. By the present petition, the petitioners/accused seek transfer of Private Criminal Complaint No. 3/2007 titled 'Dr. Pawan Kumar Chamling alias Pawan Chamling 'Kiran' Vs. Nar Bahadur Bhandari & Ors.' as the petitioners apprehend that they may not get justice from the Court at Gangtok.

We make it clear that the apprehension of the petitioners may not be correct. However, since respondent No.1-complainant is holding an important position in the State of Sikkim, we deem it appropriate to transfer the case from the State of Sikkim. Accordingly, we allow this petition and direct that Private Criminal Complaint No. 3/2007 titled 'Dr. Pawan Kumar Chamling alias Pawan Chamling 'Kiran' Vs. Nar Bahadur Bhandari & Ors.' pending before the Court of Chief Judicial Magistrate, Gangtok, Sikkim be transferred to the Court of Chief Judicial Magistrate, Siliguri, West Bengal.

The CJM, Gangtok shall transfer all the record pertaining to Private Criminal Complaint No. 3/2007 titled 'Dr. Pawan Kumar Chamling alias Pawan Chamling 'Kiran' Vs. Nar Bahadur Bhandari & Ors.' to CJM, Siliguri. As soon as the records received, the CJM, Siliguri, West Bengal may issue fresh summons to the petitioners herein to make their appearance and proceed with the case in accordance with law.

The transfer petition is allowed.

.....CJI.

.....J.
(R.M. LODHA)

.....J.
(DEEPAK VERMA)

NEW DELHI ;
FEBRUARY 08, 2010