

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). 132 OF 2004

NEERAJ PATHAK

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

Date: 08/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Harinder Mohan Singh, Adv.

Ms. Shabana Saifi, Adv.

Mr. Kaushal Yadav, Adv.

For Respondent(s)

Mr. M.C. Dhingra, Adv.

Mr. R.K. Singh, Adv.

Mr. Jatinder Kumar Bhatia, 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.

(N. Annapurna)
Court Master

(Shelly Sengupta)
Assistant Registrar

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO.132 OF 2004

Neeraj Pathak

...Petitioner(s)

Versus

State of U.P. & Anr.

...Respondent(s)

O R D E R

The petitioner is the complainant in Criminal Case No.713/2002, titled

Neeraj Pathak Vs. Tej Pal Singh, pending in the Court of Chief Judicial Magistrate

1st, Bulandshahar, Uttar Pradesh. The said case is sought to be transferred to an

appropriate court at Delhi.

Respondent No.2, accused in the aforesaid case, is a police officer who, at the relevant time, was posted at Bulandshahar. It does appear that although order

for summoning the accused was passed by the concerned magistrate on 16th

September, 2002, but for years, the accused has not appeared in court and that is

despite repeated orders passed by the court and the petitioner also having

approached the higher authorities. According to the petitioner, the accused is in

connivance with the local police and has utmost influence thereupon. Without,

however, going into the veracity of this assertion, but, having regard to the facts and

circumstances of the case, we are of the view that the aforesaid case deserves to be

transferred in terms of prayer (a) of the petition.

The transfer petition is, accordingly, allowed and Criminal Case No.713/2002, titled Neeraj Pathak versus Tej Pal Singh, is transferred from the Court

of Chief Judicial Magistrate 1st, Bulandshahar, Uttar Pradesh, to the District and

Sessions Judge, Delhi, who shall assign the case to an appropriate court.

The petitioner and respondent No.2 shall appear before the District and

Sessions Judge, Delhi on 2nd May, 2005. All papers shall be sent to the learned

Judge before the said date.

.....J.

(Y.K. SABHARWAL)

.....J.

(P.P. NAOLEKAR)

New Delhi,

April 08, 2005.