

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO.143 OF 2010

RAM KARAN PRASAD & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

O R D E R

This transfer petition has been filed by Shri Ram Karan Prasad and Smt. Saraswati Devi, whose son, Vijay Prakash, was married to the respondent No.2, Smt. Sandhya Verma. In the transfer petition, the petitioners have prayed for transfer of Case No.17021 of 2007, Crime No.479 of 2006, titled Vijay Prakash and others v. State of U.P. and another, from the Court of Chief Judicial Magistrate, Varanasi, U.P., to the Court of Chief Judicial Magistrate, Gwalior, M.P. In support of the prayer, the petitioners have cited various grounds, which are not really germane to the transfer petition. However, one of the grounds taken is the medical condition of both the petitioners, one of whom is suffering from osteo arthritis of both the knees and have been advised total knee replacement and the other, who is suffering from paralytic stroke and has sudden repeated convulsions.

The case referred to hereinabove, is based on a complaint made by the respondent No.2, wife, under Sections 498A, 506 and 313 IPC.

Having heard the son of the petitioners, whom we had permitted to represent the petitioners, and having heard learned counsel for the respondent No.2, we are not inclined to allow the transfer petition, though, we also cannot completely disregard the physical disabilities of the petitioners in attending the Magistrate's Court at Varanasi, U.P. Accordingly, while dismissing the transfer petition, we also direct that in the event an application is made on behalf of the petitioners before the learned Magistrate for exemption from their personal appearance in the case on each date, in terms of Section 205 Cr.P.C., the same shall be allowed and their personal presence may not be insisted upon till the commencement of the trial, and, even then, only if the Magistrate feels it necessary for them to be present.

The stay granted in the transfer petition is vacated.

In the circumstances mentioned hereinabove, it is desirable that the trial is expedited and the case is disposed of at an early date.

.....J.  
(Altamas Kabir)

