

ITEM NO.35

COURT NO.1

SECTION IIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4614/2004
(From the judgement and order dated 07/04/2004 in CRLM No. 34127/2003 of The HIGH
COURT OF JUDICATURE AT PATNA)

MADAN MOHAN SAHAY

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.
(With appln(s) for stay and office report)

Respondent(s)

Date: 21/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Vishnu Sharma,Adv.

For Respondent(s)2 Mr.Pratap Shanker, Adv.
Mr.Swetank Shantanu, Adv.
For Mr. Shrish Kumar Misra,Adv.

UPON hearing counsel the Court made the following
ORDER

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The petitioner herein is the de-facto complainant in a case pending before the
Sessions Judge, Arrah in the State of Bihar. The petitioner seeks transfer of the case from
Arrah to any of the Sessions Courts at Patna.

We find that only one of the two accused in the Sessions Case is impleaded as a
party. On this ground alone the petition is liable to be rejected.

Moreover, the petitioner's case is that he, being an old person and an important

witness, is being threatened by the accused and

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he will not be in a position to give evidence before the Sessions Court at Arrah. The incident

has happened in the year 1991. If there is any threat from the side of the accused, the petitioner

would be at liberty to make an appropriate application before the Sessions Judge seeking police

protection or other appropriate relief and the court will consider and pass appropriate orders

thereon. As the case is an old one, the Sessions Judge, Arrah may continue with the trial

expeditiously. We find no reason to transfer the case out of Arrah.

The special leave petition is dismissed with the said observations.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master