

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). 277 OF 2006

ANSHUL KRISHAN

Petitioner(s)

VERSUS

STATE OF U.P & ANR

Respondent(s)

(With appln(s) for stay, amendment of prayer portion and bringing on record additional documents and office report)

WITH T.P.(CRL) NO. 1 of 2007

(With appln.(s) for stay and office report)

T.P.(C) NO. 1000 of 2006

(With appln.(s) for stay and office report)

Date: 22/02/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. H.N.Salve, Sr.Adv.

Mr. Subramonium Prasad, Adv.

Mr. Vijay K. Sondhi, Adv.

Mr. Kapil Arora, Adv.

Ms. Aparajita Singh, Adv.

For Respondent(s)

Mr. Shanti Bhushan, Sr.Adv.

Mr. Anurag K. Dubey, Adv.

Mr. D.P. Pandey, Adv.

Mr. S.R. Setia,Adv.

Mr. Irshad Ahmad ,Adv

Ms. Reena Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petitions are allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL)NO.277 OF 2006

ANSHUL KRISHAN

...PETITIONER(S

)

Versus

STATE OF U.P. & ANR.

...RESPONDENT (

S)

WITH TRANSFER PETITION(C) NO.1000 OF 2006

TRANSFER PETITION (CRL.) NO.1 OF 2007

O R D E R

TRANSFER PETITION(CRL.) NO. 277 OF 2006 AND
TRANSFER PETITION(CRL.) NO. 1 OF 2007

We have heard learned counsel for the parties.

Mr. Harish N. Salve, learned senior counsel appearing on behalf of the petitioner submits that having regard to the fact that the father of Respondent No.3 - the wife, who is presently the Additional Director General of Police posted at Lucknow, he apprehends that he shall not get justice at Lucknow. In any event he apprehends danger to his person if he and his parents come to Lucknow for the trial. On the other hand, Mr. Shanti Bhushan, learned senior counsel appearing on behalf of the respondent No.3 submits that the mere fact that her father is the Additional Director General of Police is no ground to presume that the Courts will be influenced by this fact in case the case is tried at Lucknow. The

charge sheet has already been filed. The police has no role to play any more and now it is a matter between the accused and the Court.

...2/-

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Many other submissions have been urged before us but we do not wish to express any opinion on those issues lest it may prejudice the case of the parties. We, therefore, neither notice those submissions nor make any observation.

Having regard to the facts and circumstances of the case, we are satisfied that this is a fit case in which the prayer for transfer must be allowed.

In the facts of the case we allow these Transfer Petitions and direct that the case titled State of U.P. Versus Ansul Krishan & Ors. on the file of Smt. Kiran Bala Singh, 1st Class Judicial Magistrate arising out of FIR No.77 of 2006 and Case No.4461 of 2006 titled as State of U.P. Versus Shailender Krishan & Ors. pending before the Judicial Magistrate-I, Lucknow arising out of

FIR No.77 of 2006 be transferred to the Court of the District Judge,
Delhi who may dispose of the matter himself or assign it to a Court
of competent jurisdiction.

These Transfer Petitions are accordingly, allowed.

TRANSFER PETITION (CIVIL) NO.1000 OF 2006

We have heard counsel for the parties.

Having regard to the facts and circumstances of the case, we

are satisfied that this is a fit case in which the prayer for transfer

must be allowed.

...3/-

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In the facts of the case we allow this transfer Petition and

direct that Petition No.909 of 2006 and Misc. Case No.45 of 2006

pending before the Principal Judge, Family Court, Lucknow titled

Mrs. Radhika Krishan versus Anshul Krishan be transferred to the

Family Court, Delhi.

The Principal Judge, Family Court, Lucknow shall forthwith send

the necessary records to the Family Court, Delhi.

This Transfer Petition is accordingly, allowed.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,

February 22, 2007.