

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Criminal) No(s). 406/2025

KUMAR RAJESH

Petitioner(s)

VERSUS

THE STATE OF MIZORAM

Respondent(s)

FOR ADMISSION

IA No. 116053/2025 - EX-PARTE STAY

Date : 13-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :

Mr. Soumya Chakraborty., Sr. Adv.
Mr. Arup Banerjee, Adv.
Mr. Arup Banerjee, AOR
Mr. Priyanshu Raj, Adv.
Mr. Rajiv Agnihotri, Adv.
Mr. Amitabh Poddar, Adv.

For Respondent(s) :

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

1. Heard.

2. By way of this transfer petition, the petitioner seeks transfer of proceedings in Criminal Trial No. 1220 of 2024 titled "*State of Mizoram v. Kumar Rajesh*", pending before Court of Chief Judicial Magistrate, Aizawl, Mizoram, arising out of FIR No. 1 of 2024 filed at the instance of complainant, namely Lalfak Zuali, under Section 138 of the Negotiable of Instruments Act, 1881, to the

Court of Chief Metropolitan Magistrate at Rohini, Delhi.

3. Learned senior counsel for the petitioner vehemently and fervently contended that, by way of the subject FIR, the complainant has attempted to give a civil dispute the colour of a criminal offence, with the intention of arm-twisting the petitioner. It was further urged that the petitioner has been assaulted inside the prison in Mizoram on four previous occasions, and therefore, the present transfer petition deserves to be allowed and the subject trial must be transferred to the Court at Rohini, Delhi, in the interest of justice.

4. I have considered the submissions advanced by learned Senior counsel for the petitioner and have gone through the pleadings made in the present transfer petition.

5. *Ex-facie*, the ground raised by the petitioner, seeking transfer of the proceedings to the Court at Rohini, Delhi, is not a tenable ground for transferring the proceedings initiated at the instance of the complainant in the Court at Aizawl, Mizoram.

6. However, it is clarified that the petitioner may seek exemption from personal presence in the

proceedings before the Court at Aizawl, Mizoram, by filing a suitable application or may appear virtually in the proceedings. It is expected that, if such an application is moved, the same shall be considered in accordance with law.

7. In any event, no justifiable ground is made out so as to transfer the proceedings. Hence, the present transfer petition is dismissed as being devoid of merit.

8. Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(AMITA PANDEY)
BRANCH OFFICER