

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NOS. 562-563 OF 2019

SURESH S/O BHIKAMCHAND JAIN
...PETITIONER(S)

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENT(S)

O R D E R

1. These transfer petitions have been filed by the petitioner seeking transfer of Criminal Appeal No. 921 of 2019 titled as Suresh S/o Bhikamchand Jain vs. State of Maharashtra and Criminal Appeal No. 931 of 2019 titled as State of Maharashtra vs. Rajendra Anil Mayur & Others from the High Court of Judicature of Bombay, Bench at Aurangabad to the High Court of Madhya Pradesh, Bench at Indore. Since the criminal appeals are pending before the High Court of State of Maharashtra, we are not inclined to consider the request for transfer to a different state viz. State of Madhya Pradesh, Bench at Indore.

2. It is stated that the petitioner is aged about 76 years and is suffering from age related ailments and also said to have undergone bypass surgery. The petitioner is lodged in Central Jail, Nasik, Maharashtra. The petitioner is said to have developed complications due to formation of blood clots in the brain of the petitioner/applicant resulting into disturbance in breathing and the Jail Medical Officer opined that the petitioner be shifted to J.J.

Hospital, Mumbai. As per advice of Medical Officer, the petitioner has been shifted to J.J. Hospital, Mumbai on 24.10.2019 and was admitted in I.C.U for further treatment.

3. Mr. Sidharth Luthra, learned senior counsel appearing on behalf of the petitioner submitted that the condition of the petitioner is slightly improved and the petitioner has been shifted to Saifee Hospital, Charni Road, Mumbai. It is also submitted that the petitioner requires continuous medical treatment at Mumbai Hospital.

4. Mr. Nishant R. Katneshwarkar, learned counsel appearing on behalf of the State of Maharashtra has submitted that the appropriate orders be passed by this Court in the interest of justice.

5. In the transfer petitions though the petitioner has made certain other averments, we are not inclined to go into the merits of those contentions as the transfer is being considered only on health grounds. Since the petitioner is aged about 76 years and is presently hospitalized in Mumbai, considering the health condition of the petitioner and taking into account that the instruction can be obtained from the petitioner only from the hospital in Mumbai in pursuing the criminal appeals, without expressing any opinion on the merits of the averments made in the petition, the Criminal Appeal No. 921 of 2019 titled as Suresh S/o Bhikamchand Jain vs. State of Maharashtra and Criminal Appeal No. 931 of 2019 titled as State of Maharashtra vs. Rajendra Anil Mayur & Ors. pending before the High Court of

Judicature of Bombay, Bench at Aurangabad qua the petitioner are ordered to be transferred to the Principal Seat at High Court of Judicature at Bombay.

6. The transfer petitions are disposed of accordingly.

..... J.
[R. BANUMATHI]

..... J.
[A.S. BOPANNA]

NEW DELHI
5TH NOVEMBER, 2019

..... J.
[HRISHIKESH ROY]

ITEM NO.5

COURT NO.6

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Criminal) No(s). 562-563/2019

SURESH S/O BHIKAMCHAND JAIN

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.159708/2019-EX-PARTE STAY and IA
No.159709/2019-EXEMPTION FROM FILING O.T.)

Date : 05-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Subhash Jadhav, Adv.
Mr. Vasim Siddiqui, Adv.

For Respondent(s) Mr. Nishant R. Katneshwarkar, Adv.
Mr. Anoop Kandari, Adv.

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

The transfer petitions are disposed of in terms of the signed order.

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

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER