

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 8/2017

RAMESHWAR PRASAD

PETITIONER (S)

VERSUS

STATE OF BIHAR AND ORS

RESPONDENT (S)

O R D E R

1. Permission to file transfer petition is granted.
2. This petition is filed for transfer of Sessions Trial No.429 of 2016 titled State v. Sujeet Kumar & Others, pending before IVth Additional District and Sessions Judge, Bhojpur, Bihar to New Delhi.
3. Despite service of notice, none has chosen to appear.
4. The petitioner and his family are the victims of an alleged acid attack and the accused are Respondent Nos.2 to 4 herein. The grounds for transfer as stated in the transfer petition reads as under:-

"10. That considering the fact that all the accused mentioned in the FIR have been either discharged or accused mentioned in the Chargesheet have been granted bail, there is an apprehension that the respondent Nos.2 to 4 may try to harm the petitioner and the family and cause any kind of further damage to the petitioner in addition to what they have already caused.

11. That the Petitioner and other family members of the petitioner have been receiving continuous threats from the Respondent Nos.2 to 4 and their relatives to face dire consequences. Therefore, there is an apprehension that the life of Petitioner and his family are at risk if they have to travel to Bhojpur, Ara, Bihar to attend the trial proceedings.

12. The petitioner has shifted to Delhi with his wife and children for further treatment as well as due to apprehension of proposed attacks from the Respondent Nos.2 to 4 in furtherance to the incident which happened on 9.9.2015.

13. That the petitioner's daughter would not be able to attend the court proceedings at Bhojpur, Ara, Bihar, due to the fact that she is in need of constant medical attention and also because of the fact that she is financially dependent on her brother who works in Delhi.

14. Further, Petitioner is himself a victim of the acid attack and the whole family is now dependent on the son of Petitioner who is unable to accompany them to every hearing of the trial court at Bhojpur, Ara, Bihar. It is pertinent to mention here that the medical condition of the petitioner and his wife

and daughter do not allow them to travel alone. Since there is no one to accompany the petitioner and his family for every hearing to Bhojpur, Ara, Bihar, the petitioner herein is filing the present Transfer Petition seeking transfer of Sessions Trial No.429 of 2016 titled as State v. Sujeet Kumar & Ors., pending before Additional Fourth District and Sessions Judge, Bhojpur, Ara, Bihar to a Court of competent jurisdiction in Delhi.

15. The Petitioner's daughter has undergone several surgeries in the past at various hospitals and is presently undergoing medical treatment at Army Hospital. That one of her eye is completely damaged due to the acid attack and it is advisable for her to take complete care of her health including her eye and refrain from straining herself and making herself susceptible to infections by travelling to Bhojpur."

5. Having heard the learned counsel for the petitioner and on going through the pleadings, we are of the view that it is in the interest of justice that this petition be allowed.

6. Sessions Trial No.429 of 2016 titled State v. Sujeet Kumar & Others, is transferred from the Court of IVth Additional District and Sessions Judge, Bhojpur, Bihar to District and Sessions Judge, District Courts Dwarka, New Delhi.

7. Accordingly, the transfer petition is allowed.

8. The Registry is directed to immediately transmit a copy of this order to both the Courts.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
FEBRUARY 14, 2017.

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

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(with appln. (s) for permission to file T.P. and stay and office report)

Date : 14/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Ms. Olima Bang, Adv.
Mr. Satya Mitra, Adv.

For Respondent(s)

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

Permission to file transfer petition is granted.

The transfer petition is allowed in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)