

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION (CRIMINAL) NO. 32 OF 2020

RAJESH DEVI SINGH ... Petitioner(s)
VERSUS
THE STATE OF MAHARASHTRA & ANR. ... Respondent(s)

O R D E R

This petition has been filed under Section 406 of the Code of Criminal Procedure, 1976 seeking transfer of the Criminal Case POSCO Spl. No.641 of 2018 arising out of FIR No. 169 of 2018 dated 23.08.2018 lodged at Police Station Goandevi, District Mumbai, Maharashtra titled as State vs. Veerbhadra Vislawat pending from the Court Special Judge at Greater Bombay to the court of Special Judge at Aligarh, Uttar Pradesh.

Heard Shri Santosh Kumar Pandey, learned counsel for the Petitioner, Mrs. Rukhmini S. Bobde, learned counsel for the Respondent and Mr. Rahul Chitnis, learned standing counsel for the State of Maharashtra.

Having heard learned counsel for the parties, I find that it is not a fit case to transfer the matter from Bombay to Aligarh, Uttar Pradesh, as requested by the petitioner. However, the following directions are issued in the interest of justice:

1. The Trial Court shall complete the trial within three months

from the date of receipt of this order. Learned counsel for the State shall communicate this order to the Trial Court as early as possible.

2. It is the duty of the State to protect the well being of the child as well as the mother of the child during the pendency of the trial since the victim as well as the mother are apprehending danger to their life. Therefore, adequate protection should be accorded.
3. Safe transit from Aligarh to Bombay and back home for the victim as also the mother should be accorded during the course of hearing and during their stay in Bombay.
4. Sister of the victim is also a prime witness in the matter. She should also be accorded adequate safety during her transit from Aligarh to Bombay and back home and during her stay in Bombay.
5. The State should see that the witnesses are not tampered.

The Transfer petition is dismissed with the above observations and directions.

....., J.
(Mohan M. Shantanagoudar)

New Delhi
November 23, 2020

ITEM NO.2 Court 7 (Video Conferencing) 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). 32/2020

RAJESH DEVI SINGH Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR. Respondent(s)

Date : 23-11-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Santosh Kumar Pandey, AOR

For Respondent(s) Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.

Ms. Rukhmini S. Bobde, Adv.
Ms. Soumya Priyadarshinee, Adv.
Ms. Riya Dhingra, Adv.
Ms. Amit Srivastava, Adv.
Ms. Shagufa Salim, AOR

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

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

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)