

ITEM NO.12

Virtual Court 2

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

Miscellaneous Application No(s). 862/2020 T.P.(Cr1.) No. 465/2005

NIDHI SHUKLA & ANR.

Petitioner(s)

VERSUS

AMARMANI TRIPATHI & ORS.

Respondent(s)

Date : 09-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

By Courts Motion, AOR

For Respondent(s)

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

This matter is placed before the Court pursuant to the letter received from the office of Superintendent, District Jail, Chamoli enclosing the application of the Convict dated 10.07.2019.

Pursuant to the order dated 08.02.2007, the trial pending at Lucknow was transferred by this Court to Dehradun. The order observed as under:

"After hearing the counsel for the parties, we are prima facie satisfied that a case for transfer of the trial outside the State of U.P. has been made out. We are not recording the findings for coming to this conclusion lest it may prejudice any of the party. Accordingly, we direct that Case No.13/2005 CBI & Ors. vs. Santosh Rai & Ors. Pending before the Principal Sessions Judge at Lucknow be transferred to the District Judge at Dehradun in the State of Uttarakhand.

As we have transferred the case from Lucknow to Dehradun, in the interest of justice to avoid inconvenience to both i.e. the prosecution as well as accused persons of travelling on every date of hearing from Lucknow to Dehradun, we direct that the accused- respondent Nos. 1,2,4,5 and 6 be transferred from Lucknow Jail to Central Jail at Dehradun (State of Uttarakhand). We direct Respondent No.7, State of U.P. to transfer the accused in this case from Lucknow Jail to Central Jail at Dehradun within a period of 2 weeks from the date of receipt of the copy of this order."

Since the pending trial was transferred to Dehradun (State of Uttarakhand), all incidental powers with respect to the convict must be exercised by the State of Uttarakhand. We cannot, therefore, accept the request for transfer of the convict from District Chamoli to District Jail at Lucknow.

His request therefore, is rejected.

The M.A. is disposed of accordingly.

Let a copy of the order be communicated to the convict through regular channel.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER