

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL)NO. 2495 OF 2020

JAGDISH CHANDRA PATHAK

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

O R D E RR. BANUMATHI, J.:

The Court is convened through video conferencing.

This special leave petition has been preferred against the order passed by the High Court of Uttarakhand at Nainital in Criminal Misc. Application No.27 of 2019 whereby the High Court has declined to transfer Criminal Compliant Case No.84 of 2008 (Criminal Complaint NO.1295/2001 now Criminal Case NO.718/2013) from the Court of Chief Judicial Magistrate, Almora, District Almora to any competent court either District Nainital or District Udham Singh Nagar.

The petitioner, who was Station House Officer at the relevant point of time, seeks for transfer of the case Criminal Complaint NO.1295/2001 (Criminal Compliant Case No.84 of 2008/Criminal Case NO.718/2013) from the Court of Chief Judicial Magistrate, Almora District, to other competent court either District Nainital or District Udham Singh Nagar.

We have heard Ms. Neeraj Kumar Sharma, learned counsel appearing for the petitioner and Mr. Ashutosh K. Sharma, learned counsel appearing for the respondent-State of Uttarakhand and

perused the special leave petition paper book.

By perusal of the special leave petition paper book it is seen that the criminal complaint case, mentioned above, has been lodged against the petitioner by Shri Pradeep Pant, the then Judicial Magistrate first Class, Ranikhet, on 19.11.2011 under Section 29 of the Police Act and Section 174 I.P.C. The said criminal complaint case is pending as of now. The transfer order has been sought for by the petitioner on the ground that the complainant-Pardeep Pant, the then Judicial Magistrate First Class, Ranikhet, has become the District and Session Judge in the very same District i.e. District Almora and to that effect the petitioner has also filed an affidavit dated 01.06.2020.

Mr. Ashutosh K. Sharma, learned counsel appearing for the respondent-State, has not disputed the position that the complainant-Shri Pardeep Pant, the then Judicial Magistrate First Class, Ranikhet, has become the District and Session Judge and now has been posted in the very same District i.e. District Almora.

In view of above, in the interest of justice it would be appropriate to direct transfer of Criminal Compliant Case No.84 of 2008 (Criminal Complaint NO.1295/2001 now Criminal Case NO.718/2013) titled "Judicial Magistrate Ranikhet v. J.C. Pathak" from the Court of Chief Judicial Magistrate, Almora, District Almora to the Chief Judicial Magistrate at District Nainital. Ordered accordingly.

At this juncture, Mr. Ashutosh K. Sharma, learned counsel appearing for the respondent-State, has submitted that the petitioner is not cooperating with the further progress of the

trial and is adopting delay tactics.

We direct the petitioner to appear before the concerned Chief Judicial Magistrate, District Nainital, and co-operate for the early disposal of Criminal Compliant Case No.84 of 2008 (Criminal Complaint NO.1295/2001 now Criminal Case NO.718/2013)

Since the matter is of the year 2001, the concerned Chief Judicial Magistrate, District Nainital, is directed to consider and dispose of the same as expeditiously as possible preferably within one year from the date of receipt of copy of this order.

Accordingly, the special leave petition is disposed of.

Pending applications, if any, shall also stand disposed of.

.....J.
(R. BANUMATHI)

.....J.
(INDU MALHOTRA)

.....J.
(ANIRUDDHA BOSE)

NEW DELHI,
JUNE 4, 2020.

ITEM NO.25

Virtual Court 4

SECTION II

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2495/2020

(Arising out of impugned final judgment and order dated 27-09-2019 in CRMA No. 27/2019 passed by the High Court Of Uttarakhand At Nainital)

JAGDISH CHANDRA PATHAK

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.43895/2020-EXEMPTION FROM FILING O.T.)

Date : 04-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Neeraj Kumar Sharma, AOR
Ms. Nidhi Agarwal, Adv.

For Respondent(s) Mr. Ashutosh K. Sharma, Adv.
Mr. J.K. Bhatia, Adv.

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

In terms of the signed order, the special leave petition is
disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
AR-cum-PS

(BEENA JOLLY)
BRANCH OFFICER

(Signed order is placed on the file)