

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Transfer Petition (Cr) No. 25 of 2015**

Pradeep Kumar S/o Mularam Dhankar Aged About 25 Years R/o
Khambhat, Post Office Pinkapar, Police Station Devri, District
Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police
Station Devri, District Balod Chhattisgarh
2. Superintendent Of Police Balod, District Balod Chhattisgarh

---- Respondents

For Petitioner	:	Shri B.P. Singh, Advocate.
For Respondents/ State	:	Shri Sameer Behar, P.L on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****30/09/2015**

(1) Heard on admission.

(2) Perused the instant transfer petition (Criminal) and the relief clause. In the relief clause on behalf of the Petitioner two reliefs were prayed. First one is regarding transfer of Special Sessions Case No. 93 of 2014 to any Court or any other Sessions Court in Balod and the second one is for setting aside the order dated 8.9.2015.

(3) The instant transfer petition (Criminal) has been preferred under Section 407 of the Code of Criminal Procedure, 1973 (for short 'the Code') which provides the power to High Court to transfer cases and appeals. So far as the other prayer regarding setting aside the order dated 8.9.2015 passed by the Court below is concerned, the instant transfer petition (Criminal) is not maintainable. The Petitioner has to take recourse under the law for setting aside the aforesaid order which may

be subject to revisional powers of the High Court or any other remedy available under the law.

(4) In the considered view of this Court, the instant transfer petition (criminal) is not maintainable with regard to the above mentioned two different reliefs which cannot be granted under the provisions of Section 407 of the Code which is limited for transfer of a case.

(5) With the above observations, the instant transfer petition (Criminal) is disposed of without any appreciation regarding merits of the case and held that the instant transfer petition is not maintainable under Section 407 of the Code.

(6) Accordingly, I.A. No.1 of 2015, an application for grant of stay is also disposed of reserving the liberty to the Petitioner to avail appropriate remedies under the law.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE