

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (Criminal) No.13 of 2016

K.C. Jain, S/o B.L. Jain, aged about 73 years, R/o Village 75,
Chitragupt Nagar, Kotra, Bhopal (M.P.)

---- Petitioner

versus

1. State of Chhattisgarh, through District Magistrate, District Dantewada, Chhattisgarh
2. Tulsidas @ Suraj Mandavi, S/o Fagu Ram Mandavi, aged about 43 years, R/o Lampas, Geedam, P.S. Geedam, District Dantewada, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Varun Sharma, Advocate
For Respondent No.1/State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

12.8.2016

1. This petition has been filed for transfer of Special Sessions Trial No.189 of 2004 registered against the Petitioner under Sections 294 and 506B of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The Petitioner states that this case was registered in the year 2004. We are now in the year 2016. The Petitioner has retired from service and is now residing in Bhopal (Madhya Pradesh). The case relates to Dantewada (Chhattisgarh). It is the case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. One cannot force a tribal witness to travel from one place to another place to appear before a Court. Therefore, I find no merit in the transfer petition. The transfer petition is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE