

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 5 of 2018

1. Sanjay Singh, S/o. Late Vijay Shankar Singh, Aged About 46 Years.
2. Ajit Singh, S/o. Late Vijay Shankar Singh, Aged About 40 Years.

Both are R/o. Behind Office Of Superintendent Of Police, Ambikapur,
District Surguja Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station-
Ambikapur, District Surguja, Chhattisgarh.
2. Pramod @ Moda, S/o. Ajay Vishwakarma, Aged About 24 Years, R/o.
Lodhima, P.S. Ambikapur, District Surguja, Chhattisgarh
3. Pawan Pandey, S/o. Brijnandan Pandey, Aged About 25 Years, R/o.
Agrasen Ward Ambikapur, District Surguja, Chhattisgarh
4. Ajay Pathak, S/o. Nandkeshwar Pathak, Aged About 26 Years, R/o.
Bhattapara, Ambikapur, District Surguja Chhattisgarh
5. Bholaram, S/o. Sukdeo Cherwa, Aged About 29 Years, R/o. Village
Darridand, Ambikapur, District Surguja Chhattisgarh.

---- Respondents

For Petitioners : Ms. Sangeeta Soni, Advocate
For State : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.03.2018

Heard

1. The present petition is for transfer of S.T. No.77/2006 which is
pending before the Additional Sessions Judge (F.T.C.) Ambikapur
to some other Courts.
2. Learned counsel for the petitioners submits that one of the
statement of the petitioner Sanjay Singh has been recorded and

the statement of Ajit Singh is yet to be recorded. It is contended that as and when petitioners appears before the Court to adduce evidence they are being threatened and subject to misbehave by the Court as such there is apprehension that the petitioners may not get fair hearing before the Court.

3. Perusal of the order passed by the Sessions Judge, Sarguja, Ambikapur, dated 13.02.2018 would show that the criminal case is pending from 2006 wherein the petitioners are the witness and both are victim. One of the statement of the petitioner namely Sanjay Singh has been recorded whereas the statement of Ajit Singh is yet to be recorded. The order of the Sessions Judge would reflect that on 16.02.2016 the case was fixed for evidence and the witnesses were directed to be present there. During the hearing before this Court, it is stated that on 15.02.2018 also the witnesses were present but the statement were not recorded as some argument took place in the Court. There is nothing on record before this Court to presume that the Court deliberately avoided to record the evidence.
4. The kind of submission made before this Court is also not in good taste that the Presiding Officer of a Court misbehaved with the witness. It is expected that the victim who are before the Court are treated with human dignity so that they can depose confidence over the judicial system. The Court cannot go into secondary debate by evaluating the allegation made but it is expected that the victim also expect that the justice to be meted out to him. Without observation further in this case, it is directed that the witnesses shall appear on the next date of hearing before the Court and the concerned Court shall record evidence of the

witnesses. The Superintendent of Police, Ambikapur, is directed to ensure the fact that the witnesses are not threatened or pressurised to depose before the Court or their safety is compromised in any manner.

5. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ashok