

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 14 of 2018

Mridula Ramteke D/o Shri C.L.Ramteke Aged About 33 Years R/o Dharampura, Police Station Dharampura Chowki, District Jagdalpur, Chhattisgarh, Present Address Quality Food Inspector, District Manager, C.G. State Civil Supplies Corporation Limited, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate, Police Station Bhatapara (City) District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For petitioner - Shri Raj Kumar Gupta, Advocate.
For State- Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/07/2018

Heard.

1. Instant petition is for transfer of Sessions Trial No.10/2018 arising out of Crime No.53/2018 pending before the court of Additional Sessions Judge, Bhatapara, District Baloda Bazar-Bhatapara.
2. Learned counsel for the petitioner submits that petitioner is accused in aforesaid sessions trial. On 4/05/2018 while she was going to appear before the court in Bhatapara with her father and mother, at that time white colour scorio was chasing them and after court hearing when they were returning back the scorio which was chasing them tried to dash and at the time of overtaking two persons from the window abused and shouted that because of your luck they were saved. It is contended that the deceased for which the petitioner is being prosecuted under section 306 of IPC is nephew of sitting MLA and therefore there is all apprehension of physical assault and attack. Learned counsel referred to the report made to the SP and would submit that despite sending the complaint by registered

post no cognizance is being taken. Therefore, it is stated that she is ready to face trial in any other court except Bhatapara and Raipur as there will be all threat to her life.

3. Learned State counsel prays for time.

4. The document Annexure A-6 is report made to the SP, Baloda Bazar-Bhatapara and proof of the fact that it was sent by registered post receipt is attached. Perusal of the complaint shows that it is stated that while she went to attend the date on 4/05/2018 they were chased by white scorio in Bhatapara road and when they were coming to Bilaspur again car started chasing and tried to dash them and they were saved. In absence of any reply from the State, further taking into fact that petitioner is a lady apprehension which is corroborated by Annexure A-6 cannot be shelved. In view of this, following the natural principle that justice not only to be done but same to be done, petitioner/accused should always have satisfaction to the effect that she was heard properly by the criminal court and was not under any undue pressure or influence to put forth her defence.

5. Accordingly, the petition is allowed and it is directed that the Sessions Trial No.10/2018 pending before the court of Additional Sessions Judge, Bhatapara, District Baloda Bazar-Bhatapara shall stand transferred to the Sessions Court, Bilaspur. Sessions Judge, Bilaspur shall further be within its power either to hear the same or transfer the same to other court.

Sd/-

(Goutam Bhaduri)

JUDGE