

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 10 of 2017

1. Niranjana Das S/o Shri I. C. Dash Aged About 30 Years R/o Village Telia Via Ambaguda, Jaipur, District Koraput, Orissa
2. Durjoti Mohankudo S/o Late Shri K C Mohankudo Aged About 45 Years R/o At Gouda Street, Police Station Jaipur, District Koraput, Orissa.

---- Petitioners

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, District Jagdalpur, Chhattisgarh.

---- Respondent

For petitioners : Mr. Rajat Agrawal and Mr. Hemant Kumar Agrawal, Advocates.

For State : Mr. Raghavendra Verma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

9-1-2019

1) Heard on I.A.No. 2 of 2017 which is an application for exemption from filing certified copy of the order dated 31-1-2017 and 12-1-2017.

2) After due consideration, the same is allowed.

3) Also heard on I.A.No. 3 of 2017 which is an application for transfer of the petitioners from Koraput Orissa jail to any other jail.

4) It is for the trial court to issue production warrant for appearance of the petitioners on the date of hearing, therefore, the order of transferring the petitioners to some other jail is not required. Purpose of trial would be served if the petitioners are produced before the trial Court on production warrant.

- 5) In view of the above, I.A.No. 3 of 2017 stands disposed of.
- 6) The instant petition is preferred under Section 407 of the Code of Criminal Procedure, 1973 for transfer of Session Trial No. 77 of 2016 pending in the Court of learned 3rd Additional Session Judge, District Bastar at Jagdalpur.
- 7) It is alleged by the petitioners that the counsels of the Jagdalpur are not representing the petitioners, therefore, case should be transferred to some other division. From the order sheets of the trial Court, it appears that the trial Court directed the petitioners to engage counsel, otherwise, the court will appoint the penal lawyer empaneled by the District Legal Authority, Jagdalpur. Since the trial Court is inclined to provide penal lawyer, the ground raised by the petitioners has no force. It appears that the trial is pending since 8-11-2016 and same cannot be kept pending and stayed *sine die*.
- 8) Accordingly, the instant petition is dismissed at motion stage itself. The trial court is directed to proceed with the case in accordance with law and dispose of the same on merits.
- 9) In view of the above, I.A. No.4 of 2017 stands disposed of.

Sd/-
(Ram Prasanna Sharma)
Judge

Raju