

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No.03 of 2019**

- Aarti Shrivastava D/o Shri Pareshwar Shrivastava Aged About 29 Years R/o Hausdeo Vihar Housing Board Colony, Qtr. No. HIG-II 64, Janjgir Police Station Janjgir, Tehsil And District Janjgir Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through District Magistrate Janjgir District Janjgir Champa, Chhattisgarh.
2. Arvind Shrivastava S/o Gajanand Shrivastava Aged About 33 Years R/o Village Ratanmahka, Police Station Kharsiya Tehsil Kharsiya, District Raigarh, Chhattisgarh.
3. Gajanand Shrivastava S/o Manohar Shrivastava Aged About 59 Years R/o Village Ratanmahka, Police Station Kharsiya Tehsil Kharsiya, District Raigarh, Chhattisgarh.
4. Smt. Maheshi Shrivastava W/o Gajanand Shrivastava Aged About 56 Years R/o Village Ratanmahka, Police Station Kharsiya Tehsil Kharsiya, District Raigarh, Chhattisgarh.

---- Respondents

 For the Petitioner : Shri JN Nande, Advocate
 For Respondent No.1/State : Shri Ravish Verma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****14.03.2019**

1. This transfer petition under Section 407 of the Code of Criminal Procedure, 1973 has been filed for transferring of Session Trial No.21/2008 (State Vs. Arvind Shrivastava) pending before Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), 1989, Janjgir-Champa to Special Court at Korba (CG).
2. Learned counsel for petitioner submits that no lady prosecutor was appointed by the State in the Court at Janjgir to conduct session

trial/Special trial, therefore, direction may be issued to the State for appointing lady prosecutor.

3. After going through the record, it does not appear that the petitioner has made any representation to the State for appointment of any lady prosecutor for conduction of the session trial/special trial at Janjgir. This relates to policy matter of the State Government and should be raised before the proper forum but that is not the case here. If the lady prosecutor is not available at Janjgir, the legal course open to the petitioner who is prosecutrix in the said trial is to instruct a lady pleader to assist the case on behalf of the petitioner, as per Section 301(2) CrPC.

4. In the meanwhile, if the authorities are willing to provide lady prosecutor to the Court of Janjgir, the same would serve the purpose of the petitioner, but if any lady prosecutor is not available on the date when the prosecutrix enters into the witness box then she can go for assistance of a lady pleader who has been instructed by her.

5. In view of the above, no case of transferring of session trial from the Court of Special Judge Janjgir-Champa to the Court at Korba is made out .

6. Accordingly, the petition stands dismissed with the above observation.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**