

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Transfer Petition (Criminal) No.20 of 2019

Prakash Agrawal, son of Shri Harish Chandra Agrawal, aged about 39 years, resident of Pratap Ganj, Police Station Sarangarh, Raigarh, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Petitioner

versus

State of Chhattisgarh through Police Station Kotwali, Jagdalpur, District Bastar, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate
For Respondent	:	Shri Alok Nigam, Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

7.1.2020

1. Heard on admission. Perused the material available.
2. The Petitioner has preferred the instant petition for transfer of Criminal Case No.1862 of 2017 pending before the Judicial Magistrate First Class, Jagdalpur to the Court of Judicial Magistrate First Class, Sarangarh, District Raigarh.
3. Learned Counsel appearing for the Petitioner submits that on the basis of a complaint made by one Mithun Nayak, a First Information Report has been registered at Police Station Sarangarh, District Raigarh on 22.5.2017. In the FIR, it has been alleged that on 21.5.2017 at about 8:00 p.m. an obscene comment on the Collector of Raigarh District was circulated by the Petitioner from his mobile phone, which was defamatory and not sustainable in the society. On the basis of the complaint, Police Station

Sarangarh registered a crime under Sections 292, 500 of the Indian Penal Code and Section 67 of the I.T. Act against the Petitioner. On completion of the investigation, a charge-sheet has also been filed before the Judicial Magistrate First Class, Sarangarh on 15.12.2017 and a trial is going on against the Petitioner. It is further submitted by the Counsel that on the same facts, a separate offence has also been registered by Police Station Kotwali, Jagdalpur, wherein similar allegations have been made by the Complainant and Police Station Kotwali, Jagdalpur has registered a crime under Sections 292, 509B of the Indian Penal Code and Section 67 of the I.T. Act and on completion of the investigation, a charge-sheet has also been submitted before the Judicial Magistrate First Class, Jagdalpur. The Judicial Magistrate First Class, Jagdalpur has registered the case as Criminal Case No.1862 of 2017. The Counsel further submits that on the same facts, two separate cases have been registered in two different police stations and two separate trials are going on against the Petitioner at two different places. The Petitioner is a resident of Sarangarh, District Raigarh. The alleged incident had taken place at Sarangarh and the main witnesses of the case are also residents of Sarangarh and, therefore, he prays for transfer of the criminal case from Jagdalpur to Sarangarh.

4. Having considered the facts and circumstances of the case and the submission put-forth, I find that transferring the said criminal case from Jagdalpur to Sarangarh would be in the interest of justice.
5. Therefore, the instant transfer petition is allowed. Criminal Case No.1862 of 2017 pending before the Judicial Magistrate First

Class, Jagdalpur is transferred to the Court of Judicial Magistrate First Class, Sarangarh, District Raigarh. A copy of this order be sent to the Judicial Magistrate First Class, Jagdalpur and the Judicial Magistrate First Class, Sarangarh immediately. The Petitioner is directed to appear before the Judicial Magistrate First Class, Sarangarh on 10th of February, 2020.

Sd/-
(Arvind Singh Chandel)
Judge