

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP (Crl.) No.102 of 2021

Brundaban Nayak

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

05.01.2022

Order

No.

01.

1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioner.
3. This transfer petition has been filed by the Petitioner for transfer of G.R. Case No.583 of 2006, arising out of Bhadrak Town P.S. Case No.70 of 2016, from the Court of J.M.F.C., Bhadrak to the Court of J.M.F.C., Cuttack.
4. The Petitioner has sought for transfer of the aforesaid G.R. Case from the Court of J.M.F.C., Bhadrak to the Court of J.M.F.C., Cuttack on the ground that he being threatened by the accused persons to appear before the Court of J.M.F.C., Bhadrak, he is unable to attend and, therefore, for a free and fair trial, the case be transferred from the said court to a court competent to try the case located at Cuttack. But, no material has been produced indicating that he has made any allegation before the police with regard to such threat extended to him.

Therefore, the contention of the Petitioner on which the transfer of the aforesaid case is sought for appears to be without any substance. Furthermore, he being a witness as required to appear only on the date of his examination and the Opposite Parties No.2 to 12 being accused, if the aforesaid case is transferred, the accused persons have to travel from Bhadrak to Cuttack regularly till conclusion of the case.

5. Considering the aforesaid facts, this Court is not inclined to entertain the prayer for transfer of the aforesaid case.

6. Accordingly, the TRP(Crl.) stands dismissed.

7. However, liberty is given to the Petitioner to approach the Superintendent of Police concerned well ahead of the date of his examination with a copy of this order to render him necessary protection on the date of his examination to enable him to assess the threat perception on him and give necessary protection, if required. Furthermore, he may also apply the court concerned for recording his evidence through V.C. from other remote location and in that event, the court, if the same is found to be feasible shall record his evidence resorting to V.C. rule.

(S. Pujahari)
Judge