

Hanwant Das

Vs

Vinay Kumar and Others

Transfer Petition (Criminal) No. 78 of 1979

(CJI Y. V. Chandrachud, N. L. Untwalia JJ)

17.03.1980

ORDER

1. Heard counsel.

2. We are not disposed to believe that either the learned Sessions Judge or the learned Judge of the High Court, Mr. Justice V. P. Gupta, is likely to take nay interest in the prosecution which has been launched against Mr. Justice Gupta's mother-in-law and brother-in-law. Considering however, the various circumstance of the case, but without meaning to cause any aspersions, whatsoever, on the conduct of either the learned Sessions Judge or that of Mr. Justice V. P. Gupta, we think that it is better in the interest of all parties concerned that the interest of all parties concerned that the case in transferred from the State of Himachal Pradesh to a Session Court outside the State of Himachal Pradesh. We, accordingly, transfer Sessions Case No. 14 of 1979 to the Sessions Court, Gurdaspur and and direct that it shall be tried by a Session Judge to be nominated by by the Chief Justice of the Punjab & Haryana High Court. We are sure that the Sessions Judge, who will try the case, will consider sympathetically the application of any of the accused for exemption form personal appearance, especially, of the mother-in-law Shrimati Chhano Devi.

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