

K. P. S. Gill and Others

Vs

Parthajoy Das and Others

Transfer Petition (Criminal) No. 61 of 1980

(CJI Y.V. Chandrachud, V.D. Tulzapurkar JJ)

27.07.1981

ORDER

1. After taking into consideration the report submitted by the learned Chief Justice of the Gauhati High Court, we are of the opinion that it is necessary in the interest of justice in transfer case No. 1456 C of 1979 (Parthajoy Das v. K.P.S. Gill) pending in the court of the Sub-Divisional Judicial Magistrate, Barpeta, District Kamrup, Assam, to the court of a Magistrate to be nominated by the learned Sessions Judge, Delhi. We order accordingly. The parties will appear before the learned Sessions Judge, Delhi on September 15, 1981 for taking further directions in the matter.

2. Since we are transferring the case at the instance of the accused we direct that the expenses of the prosecution shall be borne to a reasonable extent by the Government of Assam, subject to the expenses being sanctioned by the court concerned. The learned Magistrate who will try the case (or the learned Sessions Judge who will eventually try it) will consider the question as to what expenses it is appropriate to sanction in the matter, including the expenses of travelling, stay, the production of witnesses and the fees of Advocates.

3. The record of case No. 1456 C of 1979 will, in the meanwhile, be transferred to the learned Sessions Judge, Delhi by the Sub-Divisional Magistrate, Barpeta.

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