

Ranjit Singh, Niranjn Singh and Karam Singh

Vs

Popat Rambaji Sonavane and Others

Transfer Petition (Criminal) No. 102 of 1982

Popat Rambaji Sonavane and Others

Vs

State of Maharashtra and Another

Criminal Appeal No. 6 of 1983

04.01.1983

ORDER

1. By this petition the petitioners seek transfer of Session Case No. 137 of 1982 pending with additional Sessions Court No. 5, Pune Maharashtra to any other court competent to try the same at Indore in the State of Madhya Pradesh.
2. On a complaint filed by petitioner Ranjit Singh respondents 1 to 9 are being prosecuted for having committing offences under Section 395 and 506 of the Indian Penal Code. It is alleged that on November 19, 1981 at about 8 p.m. when the petitioner was proceeding towards his house, respondents 1 to 9 surrounded him abused and threatened to kill him and he was robbed of a golden chain and an amount of Rs. 500. The petitioner went to lodge the first information report to the police chowki, but the police declined to accept the information and take follow-up action. Therefore, on November 23, 1981, the petitioner filed a private complaint in the Court of Judicial Magistrate. The learned Magistrate took cognizance and held a preliminary enquiry. The petitioner examined four witnesses and thereafter the learned Magistrate framed a charge against the respondents for having committed offences and under Section 395, 341, 504 and 506, IPC. The learned Magistrate Committed the Case to the Court of Session which is numbered as Session Case No. 137 of 1982.
3. It is alleged that two of the respondents are relations of the local police officers and because of an incident in the town of Ahmednagar in which the brother of the petitioner was murdered, the entire police force of Maharashtra has become inimical to the petitioner. The petitioner says that he was forced to shift to Indore and if he is required to go to Pune for prosecuting the case, his safety is in danger and on this ground he seeks transfer of the case.
4. Respondents are in jail and they have filed Special Leave Petition No. 3042 of 1982 for being released on bail. In that petition, they have contested all the averments made by the petitioners while pointing out that they have been in jail unnecessarily for the last seven months and the transfer will further delay the hearing of the case which could necessitate their continued detention in jail.
5. The petitioner was present in person. Though he argued as a party in person. He is a member of

the legal profession and he canvassed all possible contentions in support of the transfer petition.

6. The solitary ground urged is that if the petitioner is asked to go to Pune Where on his admission he has a house, his safety would be in danger, This is too nebulous a ground for the transferring a case from Pune to Indore. It may be noted that all four witnesses are from Pune. But we must also take necessary precaution for assuring the safety of the petitioner when he is required to attend the court of Pune.

7. Mr. Handa, learned Advocate who appeared for the State of Maharashtra stated that the State would extend all possible facilities as directed by this court to ensure to safety and security of the petitioner. That should put an end to any apprehension on our part about the safety and security of the petitioner and would also knock out the ground on which the petition for transfer is founded.

8. We reject the transfer petition. The highest Police Officer - the Commissioner of Police - should make full arrangement for taking if need be, in a police jeep the petitioner from the railway station or the hotel where he is staying or from his and return safely to the railway station. If he is going out of the Pune or the hotel where he is staying or his house. While the petitioner is in court, arrangement should be made for his safety and security. This arrangement is to be made for his safety and security. This arrangement is to be made for the period evidence of the petitioner is required to be recorded.

9. We order accordingly.

ORDER NO. 2

10. On the complaint filed by 2nd respondent the facts of which are set out in details by us in our order pronounced today in Transfer Petition No. 102 of 1982. the petitioners nine in number are being prosecuted for having committed offences under Section 395 and 506 of the Indian Penal code. The case came to be committed to the court of Session on a private complaint filed by 2nd respondent alleging that only the date of the occurrence, nine petitioners surrounded him and at the point of knife he was made to part with a golden chain an amount of Rs. 500. Incident occurred on November 19, 1981 and in respect of which a private complaint was filed on November 23, 1981. The petitioners were arrested and released on bail, but subsequently the bail-bonds were cancelled. Thereafter their application for being released on bail was rejected. Hence this petition for the special leave to appeal.

11. Mr. Handa, learned counsel who appeared for the State of Maharashtra fairly stated that this is prominently a fit case in which bail ought to be granted.

12. Second respondent is original complainant who appeared as a party in person. We note that he is a member of the legal profession. He vehemently contested the petition.

13. As the case is pending, we refrain from making any observation on the merits or demerits of; the case, but we are satisfied that this is a case in which petitioner ought to be released on bail.

14. We accordingly direct that the learned Session Judge, 5th Court, Pune before whom the case is pending should release the petitioners on bail on each of them furnishing security in the amount of Rs. 1000 and a personal bond in the like amount. An undertaking to be taken from each of the petitioners not to approach the 2nd respondent or any of his relations or witnesses to directly or indirectly harass or threaten them. We further direct that the learned Session Judge before whom the

case is pending should give priority to this case and dispose it of as early as possible and not later than March 31, 1983.

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