

**SUPREME COURT OF INDIA**

Leelawati

Vs.

Ramesh Chand

Transfer Petns. (Cri.) Nos. 552-553 of 2002

(Shivaraj V. Patil and D. M. Dharmadhikari JJ.)

13.01.2004

**ORDER**

1. This petition has been filed for transfer of Criminal Complaint No. 517 of 2001 under Sections 302, 201 and 34, IPC (titled as Smt. Leelawati v. Ramesh Chand and others) for investigation from Faridabad to Delhi. On 14-8-2003, this Court directed the Superintendent of Police, Faridabad (Haryana) to carry out further investigation with regard to the alleged incident of death of Rajwati, daughter of the petitioner and submit a fresh report to this Court. Pursuant to the directions of this Court, the Superintendent of Police, Faridabad has submitted a report on 6-10-2003 stating that fresh investigation in the alleged incident has been completed and offences under Section 302, IPC are found to have been committed by Ramesh Chand and under Section 201, IPC by Kanshi Ram, Shanti and Jugita. It is also reported that the charge-sheet has been filed in the Court of Additional Sessions Judge, Faridabad.

2. After submission of the above report, learned counsel appearing for the petitioners now insists on transfer of the trial pending on the alleged incident in the Court at Faridabad to a competent Court in Delhi. It is submitted on behalf of the petitioners that one of the eye-witnesses, Prayanka who is daughter of the deceased, is only nine years old and is terribly afraid of deposing against her father and his relations at Faridabad. It is stated that there are threats to the complainant party from the accused party and there is no proper atmosphere at Faridabad for a free and fair trial.

3. Learned counsel appearing for the State, in his reply, agrees that if required, necessary security and protection shall be extended to the eye-witnesses who will be attending the Court for deposition at Faridabad. Faridabad is at the outskirts of Delhi. On the aforesaid assurance to extend all help and protection to the witnesses given by the learned counsel appearing for the State, we find no ground to transfer the trial of the criminal case to Delhi. As has been assured by the learned counsel for the State of Haryana, necessary directions may be obtained from the trial Court so that the eye-witnesses, who is a girl child of nine years of age and other witnesses get adequate protection and police security to be able to depose in Court without any fear and pressure.

4. With the aforesaid directions, the transfer petitions are, hereby, dismissed.

Petitions dismissed.