

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5693/2008

(From the judgement and order dated 20/12/2007 in CLRMA No.743/2007 of The
HIGH COURT OF JUDICATURE AT ALLAHABAD)

CENTRAL BUREAU OF INVESTIGATION Petitioner(s)

VERSUS

DISTRICT & SESSION JUDGE, GHAZIPUR & ORS. Respondent(s)

(With appln(s) for stay, modification of Court's Order and
office report)

With S.L.P. (Crl.) No.480 of 2008

RAM NARAYAN RAI Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T., directions,
stay and office report)

T.P. (Crl.) No.337 of 2006

ALKA RAI Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS. Respondent(s)

(With appln(s) for directions, stay and office report)

S.L.P. (Crl.) No.5970 of 2009

CENTRAL BUREAU OF INVESTIGATION Petitioner(s)

VERSUS

AFZAL ANSARI Respondent(s)

(With appln(s) for stay and office report)
[For Final Disposal]

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S.L.P. (Crl.) No.1201 of 2009

RAM NARAYAN RAI Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS. Respondent(s)

(With appln(s) for stay and office report)
[For Final Disposal]

Date: 22/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Siddharth Luthra,ASG
In SLP 5693/2008 & Mr. Rajiv Nanda,Adv.
SLP 5970/2009: Mr. Syed Tanweer Ahmad,Adv.
Ms. Padma Lakshmi Nigam,Adv.
Mr. S.C. Ahmed,Adv.
Mr. Pranay Agarwala,Adv.
Mr. Rajat Mathur,Adv.
Mr. B. Krishna Prasad,Adv.

In SLP 480/2008, 1201/
2009 & TP 337/2006: Mr. V.A. Mohta,Sr.Adv.
Mr. S.K. Verma,Adv.
Mr. Atul Kumar,Adv.
Ms. Akanksha V. Chandok,Adv.
Ms. Ananya Verma,Adv.
Mr. Arindam Mukherjee,Adv.

For Respondent(s) Mr. Siddhartha Dave,Adv.
Ms. Jemtiben AO,Adv.
Mr. Senthil Jagadeesan,Adv.

Mr. Sushil Kumar,Sr.Adv.
Mr. R.N. Keshwani,Adv.
Mr. Ram Lal,Adv.
Mr. Pushpinder Singh,Adv.
for M/s. Keswani and Co.,Advs.

Mr. Sidhartha Dave,Adv.
Ms. Jemtiben AO,Adv.
Ms. Vibha Datta Makhija,Adv.

....3/-

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Mr. Siddharth Luthra,ASG
Mr. Rajiv Nanda,Av.
Mr. Syed Tanweer Ahmad,Adv.
Ms. Padma Lakshmi Nigam,Adv.
Mr. S.C. Ahmed,Adv.
Mr. Pranay Agarwala,Adv.
Mr. Rajat Mathur,Adv.
Mr. B. Krishna Prasad,Adv.

Mr. Irshad Ahmad,AAG.
Mr. M.R. Shamshad,Adv.
Mr. M. Tyab Khan,Adv.
Mr. Kabir Dixit,Adv.

Mr. Siddharth Luthra,ASG
Mr. Rajiv Nanda,Adv.
Mr. Syed Tanweer Ahmad,Adv.
Ms. Padma Lakshmi Nigam,Adv.
Mr. S.C. Ahmed,Adv.
Mr. Pranay Agarwala,Adv.
Mr. Rajat Mathur,Adv.

Mr. P. Parmeswaran,Adv.
Mr. Arvind Kumar Sharma,Adv.

Dr. Laxmi Shastri,Adv. (A.C.)

UPON hearing counsel the Court made the following
O R D E R

T.P. (Crl.) No.337 of 2006:

The transfer petition is allowed for the reasons separately recorded.

No orders on the application for directions.

S.L.P. (Crl.) No.5693 of 2008 and S.L.P. (Crl.) No.480 of 2008:

In view of the order passed in Transfer Petition (Crl.) No.337 of 2006, no order is necessary to be passed in these petitions. The special leave petitions are, accordingly, disposed of.

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All miscellaneous petitions therein consequently stand disposed of.

S.L.P. (Crl.) No.5970 of 2009 and S.L.P. (Crl.) No.1201 of 2009:

The special leave petitions are adjourned to 6th August, 2013.

[Alka Dudeja]
A.R.-cum-P.S.

[Sneh Lata Sharma]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.337 OF 2006

Alka Rai

...Petitioner(s)

Versus

State of Uttar Pradesh and Ors.

...Respondent(s)

O R D E R

Heard Mr. V.A. Mohta, learned senior counsel for the petitioner, who is the widow of the deceased, whose murder lead to FIR No.RC/8(S)/06/CBI/SCB-II/New Delhi, which was originally Crime No.589 of 2005.

2. This petition seeks transfer of the trial from the Court of Session, Ghazipur, Uttar Pradesh. to the appropriate Court outside the State of Uttar Pradesh. The husband of the petitioner was an MLA and she has apprehension with respect to her security while leading evidence. This is the basic ground for seeking transfer outside the State of Uttar Pradesh. All the respondents have been served. Mr. Sushil Kumar, learned senior counsel appears for Afzal Ansari-Respondent No.4. He states that the Court may pass appropriate order in the interest of justice. Mr. Luthra, learned Additional Solicitor General, appearing for Respondent No.3-CBI supports this petition.

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3. Considering the fact that the incident had happened way back in the year 2005 and the trial is still pending and also considering the apprehension by the petitioner, we allow this petition. Accordingly, the trial of the case arising out of FIR No.RC/8(S)/06/CBI/SCB-II/New Delhi, which was originally Crime No.589 of 2005, is transferred from the Session Court, Ghazipur, Uttar Pradesh, to the appropriate Session Court (CBI) in Delhi. The charge sheets and papers connected therewith arising out of the same FIR pending before Special Judicial Magistrate, Lucknow, shall also be transferred to the appropriate Session Court (CBI) in Delhi. We hereby direct the Session Court (CBI) in Delhi to take up the matter, preferably from first week of August, 2013.

.....J.
[H.L. GOKHALE]

.....J.
[RANJAN GOGOI]

New Delhi,
April 22, 2013.