

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1850 OF 2009
(@ Special Leave Petition (Crl.)No.6671 of 2007)

SURAJ GHISING LAMA

... APPELLANT(S)

VERSUS

STATE OF ARUNACHAL PRADESH & ANR.

... RESPONDENT(S)

O R D E R

Leave granted.

The appellant is an accused in a criminal case charged against him and the case is now stated to be pending before the Additional Sessions Judge, Yupia in Arunachal Pradesh. Respondent no.2 herein, who is the 4th respondent before the High Court and who the *de facto* complainant, is an Additional Sessions Judge working at the Fast Track Court in Panumpare, Arunachal Pradesh. The appellant alleges that there are only three Sessions Judges in Arunachal Pradesh and the appellant is not likely to get justice if the trial continues in any one of the Sessions Courts in Arunachal Pradesh and prays that the case may be transferred out of Arunachal Pradesh.

Heard both sides.

Having regard to the facts and circumstances of the case, we are of the view that it is better in the interest of justice that the case be transferred out of Arunachal Pradesh. We also make it clear that merely because the case is directed to be transferred, we do not assume that 2nd respondent tried to influence or misused here office in the pending matter. The case is thus directed to be

transferred to Sessions Court, North Lakhimpur, Assam. The Additional Sessions Judge, Yupia, Arunachal Pradesh is requested to send all records pertaining to C.R.Case No.03 of 2007 to the Sessions Court, North Lakhimpur, Assam and the State of Assam shall make all arrangements to conduct the prosecution of the case in the Sessions Court.

Appeal is disposed of accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

.....J.
(Dr. B.S. CHAUHAN)

NEW DELHI;
1ST OCTOBER, 2009

JUDGMENT