

Jatinder Nagrath Vs. the State

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Court : Delhi

Decided On : Jul-22-1981

Reported in : 20(1981)DLT234

Judge : J.D. Jain, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#)

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 294 of 1981

Appellant : Jatinder Nagrath

Respondent : The State

Advocate for Pet/Ap. : K.K. Sud, D.R

Judgement :

J.D. Jain, J.

(1) This is an application by the petitioner who is standing trial for an offence under Section 302 I.P.G. in the Court of Shri S.M. Aggarwal, Additional Sessions Judge. The petitioner has made several allegations, some of which are personal against the Presiding Officer, who happens to be permanent resident of Banarasi Dass Estate. The incident in question took place in the same area at some distance from the residence of Shri S.M. Aggarwal. All these allegations have been vehemently denied by Shri Aggarwal and in fairness to him Mr. K.K. Sud, counsel

for the petitioner, has withdrawn them as ground for transfer. His only submission, however, is that Shri Aggarwal, being a permanent resident of that locality, the misgiving of the petitioner that he might be influenced by some extra judicial information, although stoutly refuted by Shri Aggarwal, cannot be said to be nightmarish. It will be conducive to the broader interest of judicial administration that a judicial officer living in a particular locality as a permanent resident, not in his capacity as judicial officer but Along with other members of his family especially parents etc. does not try cases involving heinous crime which pertain to his own locality. It is not because the Judge is likely to be prejudiced by any extra judicial information which may be poured into his ear by someone, if at all, but because the accused should not harbour an impression or apprehension that the Presiding Officer will be swayed by such information. So even though the learned Additional Sessions Judge has denied all these allegations and I see no reason to disbelieve him, I am inclined, in the larger interests of judicial administration, to transfer the case for trial by some other Additional Sessions Judge. It reminds me of the concept of home-district in the States where judicial officers are normally not posted in the district to which they belong.

(2) Under the circumstances, this case is transferred from the Court of Shri S.M. Aggarwal, Additional Sessions Judge to that of Shri P.K.Bahri, Additional Sessions Judge. Since the case is already at the stage of defense evidence and under the provisions of amended Code of Criminal Procedure de novo trial is not called for, it should not be difficult for Mr. Bahri to dispose of this case expeditiously. The parties are directed to appear in his Court on 5th August, 1981.