

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Criminal) No(s).892-899/2025

XXXXXXX

Petitioner

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondents

I.A. No.60805/2025-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS

I.A. No.60804/2025-EXEMPTION FROM FILING O.T.

Date : 13-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :Ms. Pragati Neekhara, AOR
Mr. Aniket Patel, Adv.
Mr. Peeyush Katara, Adv.

For Respondent(s) :Mr. Shaurya Sahay, AOR
Mr. Aman Jaiswal, Adv.

Mr. Anilendra Pandey, AOR
Mr. Virat Tripathi, Adv.
Mr. Ashutosh Gupta, Adv.

Mr. Govind Jee, AOR
Mr. Omanakuttan K K, Adv.
Ms. Rambha Singh, Adv.
Mr. Akhilesh Kumar Mishra, Adv.
Ms. Laiba Arif, Adv.

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

1. We have looked into the affidavit filed by the respondent-State of Uttar Pradesh in pursuance of the previous order dated 08th October, 2025.
2. Regarding Case Crime No.740 of 2009, it is stated in such affidavit that initially a closure report was filed on 06th March, 2010, whereafter the petitioner

filed a protest petition. The trial court *vide* order dated 17th January, 2012 was pleased to register the case as Complaint Case no.39 of 2012. However, by an order dated 22nd April, 2014, the complaint case stood dismissed on account of unavailability of the petitioner.

3. Ms. Pragati Neekhara, learned counsel appearing for the petitioner, submits that the records of Case Crime No.740/2009 are not available and hence the petitioner is unable to apply for recall.

4. Without examining the veracity of such statement of Ms. Neekhara, we request the Principal District and Sessions Judge, Raibareil to obtain an appropriate report from the trial court (which was seized of Case Crime No.740/2009) and convey to this Court as to whether the case records are available or not.

5. Let such a report be submitted within a fortnight from date.

6. Insofar as Case Crime No.457/2020 is concerned, the affidavit reveals that charge-sheet no.1/2022 dated 10th January, 2022 has been filed and that the concerned trial court is seized of the proceedings.

7. The State shall report on the next date the particular stage the proceedings before the trial court have reached.

8. Case Crime No.489/2012 was registered also on the complaint of the petitioner alleging offences under Sections 376, 342, 384 & 364 of the Indian Penal Code, 1860 read with Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

9. However, according to the State, the investigation conducted by the Criminal Investigation Department (CID) reveals that no *prima facie* case against the accused was established. It is further averred that despite several notices being served to the petitioner, she did not appear as a result her

statements could not be recorded. Investigation was, accordingly, completed by the CID and a closure report dated 21st April, 2014 has since been filed before the ACJM III Court No.13, District Raibareil on 01st August, 2025. Copy of the closure report is part of the affidavit.

10. Responding to our query Mr. Shaurya Sahay, learned counsel for the State concedes that prior to the closure report being made a part of the affidavit, copy of the same was not furnished to the petitioner.

11. Ms. Neekhara further submits that the petitioner could not cooperate with the Investigating Officer since she had been suffering from an acid attack caused by the accused in Case Crime no.489 of 2012.

12. In view thereof, we grant liberty to the petitioner to file protest petition before the relevant Magistrate within a month from date. Once such petition is filed, we hope and trust that the Magistrate shall deal with such application appropriately.

13. For reporting compliance, re-list the transfer petitions after three weeks.

14. We hasten to observe that it shall be the responsibility of the Superintendent of Police, Raibareil to ensure safety and security of the petitioner while she proceeds to attend proceedings, in and around the court premises, and while she returns home.

15. If the petitioner approaches the Member Secretary, District Legal Services Authority, Raibareil with any prayer for help/assistance, the Member Secretary shall depute appropriate staff/para legal volunteer to assist the petitioner in contesting the petitions in the Court.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)