

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.4737 OF 2024
(Arising out of SLP(Crl.) No.15328/2024)

REMO D SOUZA

APPELLANT

VERSUS

STATE OF UTTAR PRADESH & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. In the instant case, the High Court of Judicature at Allahabad vide impugned order dated 23.08.2024, has turned down the appellant's challenge to the summoning order. We issued notice in this matter, keeping in view the peculiar facts and circumstances of this case, and to accord an alternative relief to the appellant.
3. During the course of hearing, we have impressed upon learned counsel for the appellant as well as learned counsel for respondent no.2 - complainant, that it will be in the best interest of both the sides if the trial is transferred from the Court at Ghaziabad to the Court of Metropolitan Magistrate in Delhi. They have fairly agreed to the proposal given by the Court.
4. Though learned State counsel seeks time to file a reply, we see no reason to unnecessarily delay the continuation of the trial proceedings.
5. Since we merely intend to transfer the trial from Ghaziabad to Delhi, which are both geographically proximate and well-connected, no serious prejudice will

be caused to the prosecution or its witnesses.

6. Consequently, the appeal is allowed in part to the extent that the Case No.5406/2020 titled "State of U.P. vs. Remo D'Souza", pending before the Additional Chief Judicial Magistrate, Court No.III, Ghaziabad, Uttar Pradesh is ordered to be transferred to the Court of Chief Metropolitan Magistrate, Karkardooma Court, New Delhi. Learned Metropolitan Magistrate shall be at liberty to entrust the case to any other Metropolitan Magistrate having competent jurisdiction.

7. The parties are, accordingly, directed to appear before the Transferee Court on 20.12.2024.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

New Delhi;
November 22, 2024

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).15328/2024

[Arising out of impugned final judgment and order dated 23-08-2024 in A482 No.10075/2024 passed by the High Court of Judicature at Allahabad]

REMO D SOUZA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.254851/2024-EXEMPTION FROM FILING O.T.)

Date : 22-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Gagan Sanghi, Adv.
Mr. Pankaj Kapoor, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Dr. Vijendra Singh, AOR
Ms. Apurva Mahndiyan, Adv.
Mr. Abhinav Rathi, Adv.

Mr. Kamal Mohan Gupta, Adv.
Mohd. Aslam Khan, Adv.
Mr. Amber Shehbaz Ansari, Adv.
Mr. Umang Tripathi, Adv.
Mr. Mehraj Hakim, Adv.
Ms. Jyoti Tyagi, Adv.
Mr. Monish Jayanth, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)