

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NOS.175-178 OF 2014

SWAMI RAM DEV ..PETITIONER(S)

VERSUS

SHYAM RAJAK ETC. ..RESPONDENT(S)

W I T H

TRANSFER PETITION (CRL.) NOS.37-39 OF 2015

BABA RAM DEV ..PETITIONER(S)

VERSUS

ENGG.RAMSWARTH SAH ETC.ETC. ..RESPONDENT(S)

A N D W I T H

TRANSFER PETITION (CRL.) NOS.22-25 OF 2015

YOG GURU BABA RAMDEV ..PETITIONER(S)

VERSUS

LALAN RAM ETC.ETC. ..RESPONDENT(S)

O R D E R

Signature Not Verified

1.

Digitally signed by
Ramana Venkata Ganti
Date: 2015.08.24

These Transfer Petitions are filed under Section

15:38:15 IST

Reason:

406 of the Criminal Procedure Code, 1973 read with Order

XXXVI of the Supreme Court Rules for transfer of
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Complaints/First Information Reports pending before the
Court of learned Magistrates' and various Police Stations
across the country.

2. We are informed that the first complaint was
filed by one Shri Shyam Rajak, respondent No.1-herein,

before the Chief Judicial Magistrate, Patna in Complaint

Case No.26465 of 2014.

3. The petitioner in the transfer petitions before us requests to transfer the following cases to the Chief Judicial Magistrate, Lucknow or any other competent Court, as this Court deems fit:

"(i) transfer all complaints relating to or arising out of the complaints based on the press conference held on 25.04.2014 as also the Complaints pending before (i) Chief Judicial Magistrate, Patna being Complaint Case No.26465 of 2014 (Shyam Rajak Vs. Baba Ramdev) under Sections 354 IPC and 4,3 (10(11) of the Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (ii) Chief Judicial Magistrate, Moradabad being Complaint Case No.6240/14 (Rameshwar Dayal Tauriah Vs. Baba Ram Dev) u/s.153(B), 295(A), 298, 500, 509 IPC and SC/ST Act, P.S.Majhola, Moradabad, (iii) Chief Judicial Magistrate Agra, being Complaint Case No.Nil/14 (Ramjilal Suman 'Vidhyarthi' Vs. Baba Ram Dev) under Sections 153(A)(B)(C), 504, 505(1)(B), 505(C), 505(2) and 120 B IPC, P.S.New Agra (iv) Additional Chief Judicial Magistrate, Agra, being Complaint Case No.M-28/14 (Rajendra Kumar Kardam Vs. Baba Ram Dev) under Sections 153(A)(B)(C), 504, 505(1)(B), 505

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1(C), 505(2) and 120 B IPC Section 3(1)(10) SC/ST Act, 1989 P.S.Nai Ki Mandi Agra be transferred either to Chief Judicial Magistrate, Lucknow or any other competent court as this Hon'ble Court may deem fit."

"(i) transfer all complaints relating to or arising out of the complaints based on the press conference held on 25.04.2014 as also the Complaints pending before (a) Chief Judicial Magistrate, Muzaffarpur, Bihar being Complaint Case No.1048 of 2014 (Enng.Ramswarth Sah Vs. Baba Ramdev) under Sections 504, 506, 153(A), 124(B) Indian Penal Code;

(b) Chief Judicial Magistrate, Dhanbad. Jharkhand being Complaint Case No.931 of 2014 (Subbal Ravidas Vs. Baba Ram Dev) under Section 3(1)(10) SC/ST Act.

(c) Chief Judicial Magistrate First Class, Dhanbad, Jharkhand being Complaint Case No.928/2014 (Bablu Das Vs. Baba Ram Dev u/s.3(1) (10) SC/ST Act 1989 be transferred either to Lucknow or any other competent court as this Hon'ble Court may deem fit..."

"i. transfer all complaints relating to or arising out of the complaints based on the press conference held on 25.04.2014 as also the Complaints pending before :

a) Chief Judicial Magistrate, Hazipur, Vaishali being Complaint Case No.1226 of 2014 (Lalan Ram Vs. Yog Guru Baba Ramdev) under Sections 121, 153(B), 294, 504 Indian Penal Code and 3(x)(xi)

(xii) of SC/ST (P) Act dated 28.4.2014.

b) Special Chief Judicial Magistrate, District Kanpur City being Complaint Case NO.NIL/14 (Pankaj Gautam Vs. Baba Ram Dev) u/s.Section 509 IPC and 3(1)(10)SC/ST Act, 1989 PS Kotwali, Kanpur City dated 29.4.2014.

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c) Chief Judicial Magistrate, Badmer, being Complaint Case No.NIL/14 (Bharmal Ram Vs. Yog Guru Swami Ramdeo) u/s Section 295 A, 354 IPC and 3(1)(10) SC/ST Act, 1989 dated 29.4.2014.

d) Additional Chief Judicial Magistrate (SD), No.8, Jaipur City, being Complaint Case No.NIL/14 (Ghanshyam Brijwashi Vs. Ramdev) u/s.Section 190 Cr.P.C.,3(1)(10) SC/ST (Prevention of Atrocities) Act, 1989, Section 500, 501(B), 502(B), 504, 505(B) and C, 505(2), 153-A, 171-C and 120-B IPC dated 30.4.2014, be transferred either to Lucknow or any other competent Court as this Hon'ble Court may deem fit;...."

4. This Court, while issuing notice to the respondents on 09.05.2014, had passed the following interim order:

"Issue notice returnable in ten weeks.

Dasti, in addition to the ordinary process, is permitted.

Subject to petitioner's depositing a sum of Rs.10/- Lacs (Rupees Ten Lakhs only) within two weeks in the Registry of this Court, further proceedings in complaints reference of which has been given in prayer clause (i) of the Transfer Petitions and complaints referred to in Annexures (A-1), (A-2), (A-3) and (A-6) of the compilation of additional documents shall remain stayed.

It is clarified that issuance of notice shall not be construed in any manner as an expression of opinion on the merits of the complaints."

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5. In view of the interim order passed by this Court, the Complainant - Shyam Rajak was not present before the learned Magistrate on 03.03.2015. Since the

Complainant was not present on that day, the Magistrate has dismissed the complaint. It could be for the reason that none of the parties to the complaint had brought to the notice of the Court the interim orders passed by this Court. We neither find fault with the Complainant nor

with the learned Magistrate. In our view, there is every justification for the Complainant not to be present

before the learned Magistrate since there was already an interim order passed by this Court. Therefore, in our view, the order passed by the learned Magistrate requires to be set aside and the Complaint Case No.26465 of 2014 requires to be restored. Accordingly, we do so.

6. Since the petitioner seeks for transfer of all the complaints pending before various Courts/ Magistrates/ Police Stations, we deem it proper to order for transfer of all the Complaint Cases/ FIRs to the learned Chief Judicial Magistrate, Patna and direct him to hold the trial.

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7. Since the complainants have to come from different places for their personal appearance, the learned CJM would be liberal in granting exemptions, if an application for exemption from their personal appearance is filed.

8. The Registry is now directed to transfer the amount which was deposited by the petitioner, along with accrued interest, to the learned CJM at Patna. The learned CJM will reimburse the aforesaid amount to the complainants towards their traveling expenses whenever they appear before the Court.

9. The Complainant(s) shall appear before the learned CJM, Patna on 21.09.2015.

10. Till such time, the interim order(s) granted by this Court, will enure to the benefit of the petitioner.

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11. With the aforesaid observations, these transfer petitions are disposed of.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
AUGUST 20, 2015

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ITEM NO.12

COURT NO.1

SECTION XVIA

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). 175-178/2014

SWAMI RAM DEV

Petitioner(s)

VERSUS

SHYAM RAJAK ETC.

Respondent(s)

WITH T.P.(Crl.) Nos. 37-39/2015
(With appln.(s) for stay and)

T.P.(Crl.) Nos. 22-25/2015
(With appln.(s) for stay and)

Date : 20/08/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Gaurav Kejriwal,Adv.
Mr.Keshav Mohan, Adv.
Ms.Amrita Narayan, Adv.
Mr.Amardeep Maini, Adv.

For Respondent(s) Mr. Jay Savla,Adv.
Mr.Prabhat K.C.,Adv.
Ms.Renuka Sahu, Adv.
Mr.Ravi Mishra, Adv.

Mr. Debasis Misra,Adv.

Mr.Manoj Goreka, Adv.
Mr.Nagesh Gajghate, Adv.
Ms. Shashi Kiran,Adv.

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

The Transfer Petitions are disposed of, in terms of the
signed order.

(G.V.Ramana)

AR-cum-PS

(Signed order is placed on the file)

(Vinod Kulvi)

Asstt.Registrar