

[PRINT / DOWNLOAD PDF](#)

Constitution of India, Article 32 – Transfer of trial – Apprehension of not getting a fair and impartial enquiry/trial is required to be reasonable and not imaginary – Petition has been filed by the daughter and wife of the deceased, seeking transfer of trial from CBI Special Court, Andhra Pradesh to the CBI Special Court, Hyderabad or CBI Special Court, New Delhi and also to direct the CBI for duly completing the investigation in the aforesaid [fir](#) in a time bound manner – The case relates to the death of the uncle of the present Chief minister – That a sitting MP is arrayed as an accused – One of the principles of administration of justice that justice should not only be done but it should be seen to be done – Court has to see whether the apprehension alleged is reasonable or not – The apprehension must not only be imaginary, but must appear to the court to be a reasonable apprehension – Lives of the key witnesses and accused, are in danger- One of the key witnesses has died in a suspicious manner – One of the witnesses who initially agreed to give his statement under Section 164 Cr.P.C. has been subsequently scared and he has been taken back on duty and thereafter he has refused to give his statement under Section 164 Cr.P.C. – The petitioners being daughter and wife of the deceased have a fundamental right to get justice as victim and they have a legitimate expectation that [criminal trial](#) is being conducted in a fair and impartial manner and uninfluenced by any extraneous considerations. Under the circumstances, we are of the opinion that this is a fit case to transfer the trial and further investigation on larger conspiracy and destruction of [evidence](#) to the State other than the State of Andhra Pradesh – Criminal Procedure Code, 1973, S. 406, 407.

[read HERE](#)

Tags: [COI Art. 32](#), [Constituion of India](#), [Criminal Trial - Transfer](#), [CrPC S. 406](#), [CrPC S. 407](#)