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MCRC-54491-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 24th OF MARCH, 2026MISC. CRIMINAL CASE No. 54491 of 2025*HIMANSHU KATARE AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Shivam Hazari - Advocate for the petitioners.

Shri Manoj Kumar Singh - Panel Lawyer for the State.

Shri Pramod Singh Tomar - Advocate for the respondent No.2.

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ORDER

The present petition has been filed under Section 447 read with Section 528 of the BNSS challenging the order dated 21.04.2025 passed by the learned District & Sessions Judge, Sagar (M.P.) in Criminal Revision No.54/2025, whereby the order dated 17.03.2025 passed by the Chief Judicial Magistrate, District Sagar in MJCR No.1970/2024 rejecting the prayer for transfer of the case has been affirmed.

2. Learned counsel for the petitioners submits that an FIR bearing Crime No.291/2023 was registered at Police Station Kesli, District Sagar for the offence under Section 304-A of IPC. After completion of investigation, charge-sheet has been filed and trial bearing RCT No.51/2024 is pending before the trial Court. It is contended that respondent No.2, who is the son of the deceased, is working as a Court Reader in the same Court and another



son of the deceased is a practicing Advocate therein. It is further submitted that due to their influence, no local counsel is willing to represent the petitioners, thereby causing serious prejudice and affecting their right to a fair trial. He prays to transfer the case.

3. *Per contra*, learned counsel for the State has opposed the petition.

4. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the primary grounds raised by the petitioners for seeking transfer of the trial are:

(i) that one of the son of the deceased is posted as a Court Reader in the trial Court; and

(ii) another son is a practicing Advocate in the same Court.

5. In the considered opinion of this Court, the aforesaid grounds, by themselves are neither sufficient nor tenable for ordering transfer of a criminal trial. A Court Reader, being a ministerial staff, has no adjudicatory role in the decision-making process. Merely because a relative of the deceased is working in a ministerial capacity in the Court does not, in any manner, lead to a presumption that the Presiding Officer would be influenced in discharge of judicial functions.

6. Similarly, the mere fact that another son of the deceased is practicing as an Advocate in the same Court cannot be construed as a circumstance warranting transfer. If at all there is any allegation that such Advocate is attempting to improperly influence members of the Bar so as to prevent them from appearing for the petitioners, the appropriate remedy lies before the State Bar Council, which is competent to inquire into such professional



misconduct. However, such an allegation, even if assumed, does not *ipso facto* establish that the Presiding Officer would be influenced or that the trial would not be conducted fairly.

7. The petitioners have failed to demonstrate, by any cogent material, as to how the respondent No. 2 or any other person is in a position to influence the Presiding Officer or interfere with the due course of justice. Bald and unsubstantiated apprehensions cannot form the basis for transfer of a case.

8. It is trite law that transfer of a criminal case is an extraordinary power and is to be exercised sparingly, only when there exists a real and reasonable apprehension that justice would not be done. The apprehension must not only be genuine but also supported by tangible material. In the present case, no such circumstance is made out.

9. A Judge, while presiding over a Court of law, does not act at the behest of individuals, nor is he swayed by the proximity or status of parties or their relatives. The solemn duty of dispensing justice is a sacred trust reposed by the Constitution, and every judicial officer is bound by oath to decide matters impartially, on the basis of law and evidence alone. The judicial conscience is not so fragile as to be influenced by the presence of a staff member or a practicing Advocate in the same Court. Moreover, the judicial system is structured with inbuilt safeguards and supervisory mechanisms; any deviation from the path of fairness and propriety invites correction at the hands of superior Courts. Thus, the majesty of law stands insulated from such unfounded apprehensions.

10. In view of the foregoing discussion, this Court finds no illegality,



perversity, or jurisdictional error in the impugned orders warranting interference. Accordingly, the petition being devoid of merit is hereby **dismissed.**

(HIMANSHU JOSHI)
JUDGE

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