

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

TRANSFER PETITION NO.671/2023

DAVID HANGSHING & ANR.

PETITIONER(S)

VERSUS

NATIONAL INVESTIGATION AGENCY & ORS.

RESPONDENT(S)

O R D E R

1. Heard learned counsel appearing for the parties.
2. The prayer for transfer is opposed by learned ASG appearing for the first respondent.
3. Our attention is invited to the averments made in the transfer petition and in particular from paragraph no.2.11 onwards.
4. The prayer for transfer is made not because the petitioners are not satisfied the way trial is being conducted by the Trial Court. The situation which prevails in the State of Manipur is the ground for transfer.
5. Considering the material placed on record, considering the subject of the prosecution and prevailing situation in the State, to facilitate the conduct of a fair trial, it

will be appropriate if the case is transferred outside the State of Manipur. The appropriate court will be the Court of Learned Special Judge (NIA) at Guwahati in Assam.

6. Another factor which is pointed out is that in the Court in which the case is presently pending, it will be difficult to conduct hearing through video conference as intermittently there is a discontinuation of internet service in the State.

7. Therefore, the Transfer Petition is allowed. The Special Trial NIA Case No.1 of 2018 is hereby transferred to the Court of learned Special Judge (NIA) at Guwahati in Assam. We direct that the case papers shall be transferred from the Court of District and Sessions Judge, Imphal East to the Court of Special Judge (NIA) at Guwahati in Assam at the earliest.

8. We direct that the case shall be listed before the Transferee Court in the morning on 3rd June, 2024 when all the parties to the petition shall appear. As far as the accused are concerned, they are free to appear either through their Advocates or through video conference.

9. We are sure that the Special Court will permit appearance of the accused during the trial, wherever possible, through video conference. It is for the Special Court to decide whether it will be appropriate to record the evidence of witnesses through the medium of video

conference.

10. The Transfer Petition is disposed of on above terms.

11. We make it clear that order of transfer is no reflection on the learned Trial Judge before whom the trial is pending today.

Pending application(s), if any, shall stand disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
29th APRIL, 2024.

ITEM NO.1

COURT NO.7

SECTION II-C

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 (Criminal) No.671/2023

DAVID HANGSHING & ANR.

Petitioner(s)

VERSUS

NATIONAL INVESTIGATION AGENCY & ORS.

Respondent(s)

(IA No. 203081/2023 - INTERVENTION/IMPLEADMENT
IA No. 226206/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 186364/2023 - STAY APPLICATION)

Date : 29-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Ms. Devahuti Tamuli, Adv.
Ms. Sumi Kakati, Adv.
Mr. Saurabh Borthakur, Adv.
M/S. Veritas Legis, AOR

For Respondent(s) Mr. Vikramjeet Banerjee, A.S.G.
Mr. Gautam Bhardwaj, Adv.
Mr. Vivek Gupta, Adv.
Mr. Shlok Chandra, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Kritagya Kumar Kait, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Chand Qureshi, Adv.
Ms. Yogamaya M.G., Adv.
Mr. Hiren Dasan, AOR

Mr. Aditya Bharat Manubarwala, Adv.
Mr. Vijay Kumar Arora, Adv.
Mrs. Sarvagya P Trivedi, Adv.
Ms. Akriti A Manubarwala, Adv.
Mr. Kalash Pandey, Adv.
Mr. Ashwini Kumar Singh, Adv.
Mr. Bharat Thakorlal Manubarwala, AOR

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

**The Transfer Petition is disposed of in terms of the
signed order.**

**Pending application(s), if any, shall stand disposed
of.**

**(KAVITA PAHUJA)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**

[Signed order is placed on the file]