

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S) (CRIMINAL) NO(S). 525/2019

JAILSON MANOEL DA SILVA

Petitioner(s)

VERSUS

**INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU**

Respondent (s)

ORDER

This petition has been filed by the petitioner(wife) under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of CC/0000025/2017 titled as “The Intelligence Officer, NCB Versus Jailson Manoel Da Silva”, pending in the Court of 1st Additional Special Judge, NDPS Act, EC and NDPS Courts, Chennai to a Court of competent jurisdiction at New Delhi.

Heard Mr. Raghenth Basant, learned counsel for the petitioner. He submits that the petitioner is a citizen of Brazil and is facing trial in Chennai Court under the provisions of NDPS Act. The counsel points out that the trial in the Chennai Court is practically stalled for the last about four years primarily because the petitioner is unable to communicate with his counsel and arranging for his defence, in such circumstances, has practically become impossible.

Mr. Basant next refers to the communication dated 30.07.2019 of the Embassy of Brazil which indicates that Brazil Embassy in Delhi is willing to

provide assistance to the accused, if the trial of the case is transferred to a Delhi Court from the Chennai Court.

The Narcotics Control Bureau is represented by Mr. K.M. Nataraj, learned ASG. He submits that the petitioner is certainly entitled to effective legal representation under the laws of our country. However, he submits that such legal assistance is being offered to the accused, in the Chennai Court as well.

I have considered the circumstances of the case and also the fact that the trial has not made much progress in the Chennai Court since last four years primarily because of the communication problem. If the case is transferred to the court in Delhi, the Narcotics Control Bureau who are the Prosecutor in this case will have no difficulty, as their officers and lawyers are available in Delhi.

In the aforesaid circumstances, I, deem it fit and proper to allow the Transfer Petition. Accordingly, the CC/000025/2017 titled as “The Intelligence Officer, NCB Versus Jailson Manoel Da Silva”, pending in the Court of 1st Additional Special Judge, NDPS Act, EC and NDPS Courts, Chennai is transferred to a Court of competent jurisdiction at New Delhi.

The Transfer Petition is, accordingly, disposed of.

.....J.
(HRISHIKESH ROY)

NEW DELHI;
JULY 24, 2020 .

ITEM NO.4 Court 6 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Criminal) No(s). 525/2019

JAILSON MANOEL DA SILVA Petitioner(s)

VERSUS

INTELLIGENCE OFFICER, NARCOTICS CONTROL BUREAU Respondent(s)

IA No. 138140/2019 - EX-PARTE STAY)

Date : 24-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Raghenth Basant, Adv.
Mr. M.F. Philip, Adv.
Ms. Purnima Krishna, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Sharath Nambiar, Adv.
Mr. B.V. Balaram Das, AOR

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

The Transfer Petition stands disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)