

L.S. Raju vs State Of Mysore on 29 May, 1952

Equivalent citations: AIR1953SC435, AIR 1953 SUPREME COURT 435, 1965 MADLW 653

Bench: Chief Justice, B.K. Mukherjea

ORDER

Patanjali Sastri, C.J.

1. This is a clear case for transfer. The petitioner has been convicted of an attempt to murder by poisoning Mr. Medappa the Chief Justice of Mysore, on whose complaint the proceedings were instituted. The case aroused considerable local excitement and sensation, and having regard to the position of the complainant as the head of the judiciary, the trial had to be held before a Judge specially brought down from Bombay. This, however, made no difference to the forum of appeal which was still the High Court at Mysore and the petitioner accordingly filed his appeal in that Court. He now prays for a transfer of the appeal to some other High Court as he apprehends that he will not have a fair and impartial hearing of the appeal in the Mysore, High Court which is presided over by the complainant.

2. This is obviously a weighty ground for the transfer of the case, and the Advocate-General of the respondent State leaves the matter entirely in our hands. For any sound and reputable system of administration of justice it is as important that justice should appear to be done as that it is, in fact, done, and it is no reflection on the independence and impartiality of the learned Judges of the Mysore High Court to say that the ends of justice plainly require in the circumstances of this case that this appeal should be transferred to a Court outside the State of Mysore. We accordingly transfer the appeal to the High Court at Bombay for disposal.

3. The printing of the necessary records and other preliminary matters will be carried out under the directions of that Court.