

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 101 OF 2006

RAVI RATAN SHARMA

Petitioner(s)

VERSUS

SURESH KHEMKA & ORS.

Respondent(s)

(With appln(s) for stay and office report)

Date: 13/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Viplav Sharma, Adv. for
Mr. Shakil Ahmed Syed, Adv.

For Respondent(s)

Mr. Vijay Hansaria, Sr. Adv.
Ms. Sneha Kalita, Adv.
Mr. Shankar Divate, Adv.

UPON hearing counsel the Court made the following

O R D E R

In spite of five adjournments given to the petitioner, rejoinder affidavit has n

ot

been filed. Counsel appearing for the petitioner seeks more time to file the rejoinder

affidavit which is declined.

Heard.

The Transfer Petition is allowed.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

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TRANSFER PETITION(CRL.) NO.101 OF 2006

RAVI RATAN SHARMA

..PETITIONER

VERSUS

SURESH KHEMKA & ORS.

..RESPONDENT

O R D E R

Petitioner has moved this petition under Section 406 of the Code

of Criminal Procedure seeking transfer of four cases being Criminal Case

No. C/751/04; Criminal Case No.C/897/2004; Criminal Case No. 2315 C of

2004 and Criminal Complaint being C.R. No. 5 of 2004 filed by the

respondents which are pending at Calcutta, Guwahati and Meghalaya

respectively to Bombay.

Heard the counsel on both sides.

The petitioner has sought transfer of all the above-mentioned cases to Bombay which is declined.

In the facts and circumstances of the present case and especially in view of the fact that two cases are pending at Calcutta, we deem it appropriate to transfer Criminal Case No. 2315 C of 2004 pending in the Court of Additional Chief Judicial Magistrate, Kamrup at Guwahati and Criminal Complaint being C.R. No. 5 of 2004 pending in the Court of Magistrate, 1st Class, Nongpoh Courts, RI-Bhoi district at Meghalaya to the District Judge, Calcutta where Criminal Case No. C/751/04; Criminal Case No.C/897/2004 are already pending adjudication. We order accordingly.

The Courts at Guwahati & Meghalaya are directed to transmit the entire record related to the above-said cases forthwith to the District Judge, Calcutta who, on receipt of the record, may either retain the same on his own board or assign them to some other court of competent jurisdiction for hearing and disposal together. The District Judge at Calcutta shall be at liberty to place the two cases being transferred before the Court where Criminal Case Nos. C/751/04 and C/897/2004 are pending. The transferee court shall proceed with and decide them on merits, in accordance with law.

The Transfer Petition is allowed in the above terms.

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.....J.

[Ashok Bhan]

New Delhi;
.....J.

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November 13, 2006.

[Dalveer Bhandari]