

+ITEM NO.64

COURT NO.6

SECTION XVIA

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

CrI.MP No.15069/2010 in
TRANSFER PETITION (CRL.) NO(s). 539 OF 2008

ALANKIRITA GARG

Petitioner(s)

VERSUS

PANKAJ GARG & ORS.

Respondent(s)

(for modification of Court's Order and office report)
WITH
CRL.MP NOS.15070-15071 OF 2010 IN
TRANSFER PETITION(CRL.) NOS.124-125 OF 2009
(for modification of Court's Order and office report)

Date: 13/12/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) In-Person

For Respondent(s) Mr. B.K.Satiya,Adv.

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

The Criminal Miscellaneous Petitions for
modification are disposed of in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satiya)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

CRL.MP NO.15069 OF 2010

IN

TRANSFER PETITION(CRL.) NO. 539 OF 2008

Alankirita Garg

..Petitioner

versus

Pankaj Garg & Others

..Respondents

WITH

CRL.MP NOS.15070-15071 OF 2010

IN

TRANSFER PETITION(CRL.) NO.124-125/2009

O R D E R

By order dated 1st April, 2010, three transfer petitions filed by the petitioner in regard to Criminal Complaint No.43 of 2007, Complaint Case No. 202 of 2007 and Criminal Revision No. 44 of 2007, pending before the different Courts at Gurgaon were transferred to the District & Sessions Judge, Delhi to be assigned to a court of competent jurisdiction.

These Criminal Miscellaneous Petitions for modification of the aforesaid order dated 1st April, 2010 have now been filed seeking transfer of the fourth Complaint Case No. 277 of 2007 from Gurgaon to Delhi.

But, learned counsel for the respondents has pointed out that insofar as Complaint Case No. 277 of 2007 is concerned, the petitioner had already filed two transfer petitions in this Court bearing registration numbers

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Transfer Petition(Criminal) No.538 of 2008 and Transfer Petition(Crl.) No.121 of 2009. Transfer petition(Criminal)

No.538 of 2008 was ordered dismissed as withdrawn on 06th January, 2009 passed by a co-ordinate Bench of this Court

comprising Hon'ble Mr. Justice S.B.Sinha (since retired)

and Hon'ble Dr.Justice Mukundakam Sharma and Transfer Petition(Criminal) No. 121 of 2009 seeking transfer of

Complaint Case No. 277 of 2007 was also dismissed on 12th

May, 2009 by another co-ordinate Bench of this Court

comprising Hon'ble Mr. Justice S.B.Sinha (since retired)

and Hon'ble Mr. Justice Asok Kumar Ganguly. While

dismissing the transfer petition, the Bench observed 'In

our opinion, the petitioner has taken recourse to suppression of material facts'. The Bench also directed

the Registry to place a copy of this order in the aforesaid

transfer petitions in which the applications for

modifications have been filed.

In view of the fact that this Court has already dismissed two transfer petitions seeking transfer of Complaint Case No. 277 of 2007, these applications for modification seeking the same relief cannot be entertained.

However, the petitioner is at liberty to file a review petition, if so advised, seeking review of the order dated 12th May, 2009 dismissing the Transfer Petition(Criminal) No. 121 of 2009 seeking transfer of Complaint Case No. 277

of 2007 as the other three connected cases have been transferred to Delhi. If such a review petition is filed,

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the office is directed to list the same before the appropriate Bench as per procedure.

The Criminal Miscellaneous Petitions for modification are, accordingly, disposed of.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
DECEMBER 13, 2010

.....J.
[GYAN SUDHA MISRA]