

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(S) (CRIMINAL) NO(S). 332/2022

RITU KUMARI

PETITIONER(S)

VERSUS

VIJAY KUMAR DHANKAR & ANR.

RESPONDENT(S)

O R D E R

The present petition has been filed by the petitioner seeking transfer of Case S.T./1110/2018 titled "State vs. Vijay Kumar Dhankar" (subject-case) pending in the Court of Additional District and Sessions Judge, Bhopal, Madhya Pradesh to the Court of District and Sessions Judge, Karkardooma Courts, Delhi.

Heard learned counsel for the petitioner and the respondent no.1. On behalf of respondent no.1, a judgment dated 27th February 2023 passed by the High Court of Madhya Pradesh at Jabalpur in MCRC No.15460/2019 has been produced before us. This judgment was delivered in a petition filed by the respondent-Vijay Kumar Dhankar under Section 482 of the Code of Criminal Procedure, 1973 seeking invalidation of the order of the Sessions Court by which charges were framed against the latter. The order framing charges against the said respondent along with the proceeding S.T. No.1110/2018 has been set aside by the High Court in this judgment.

Learned counsel for the petitioner submits that this judgment is passed on the wrong premise that the petitioner is dead. But this judgment is not under appeal before us and what we are hearing now is only a transfer petition. That question has to be raised before the appropriate forum. As of now, the case of which transfer

is asked for stands set aside.

In view of the said judgment, we cannot treat the case of which transfer is asked for to be a pending one. Hence, the present petition shall stand dismissed.

In the event the petitioner wants to assail the judgment referred to above, she shall be at liberty to apply before the appropriate forum.

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

.....J.
[ANIRUDDHA BOSE]

.....J.
[SUDHANSHU DHULIA]

New Delhi;
March 20, 2023.

ITEM NO.3

COURT NO.11

SECTION XVI-A

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

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(FOR ADMISSION and IA No.53479/2022-EX-PARTE STAY and IA
No.53482/2022-EXEMPTION FROM FILING O.T.)

Date : 20-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. F. I. Choudhury, AOR
Mr. Aditya Sharma, Adv.
Mr. Mohit Kumar, Adv.

For Respondent(s) Mr. Ankur Yadav, AOR
Mr. Nitin Singh, Adv.
Mr. Kuldeep Yadav, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Aakash Kumar, Adv.
Mr. Apoorva Singh, Adv.

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

The transfer petition is dismissed in terms of the signed
order, which is placed on the file.

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

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR