

!ITEM NO.4

COURT NO.6

SECTION XVIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 120 OF 2007

M/S. ENCESS SALES CORPORATION & ORS.

Petitioner(s)

VERSUS

JESON INDUSTRIES LTD.

Respondent(s)

(With appln(s) for ad-interim ex-parte stay and office report)

(For final disposal)

Date: 14/11/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. B.V.Deepak,Adv. for

M/S. T.T.K. Deepak & Co.

For Respondent(s)

Mr. K.Ramamoorthy, Sr.Adv.

Mrs. N.Shoba, Adv.

Mr.Sri Ram J.Thalapathy,Adv.

UPON hearing counsel the Court made the following
ORDER

The transfer petition is allowed in terms of the signed order.

[Meenu Sethi] [Pushap Lata Bhardwaj]
Court Master

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (Crl.) NO.120 /2007

Corpn. & Ors. ...Petitioner

M/s Encess Sales

Versus

Jeson Industries Ltd.

...Respondent

ORDER

Heard learned counsel for the parties.

This petition under Section 406 of the Code of Criminal Procedure, 1973 has been filed for transfer of CC.No.18/SW/2007 titled Jeson Industries Ltd. Vs. M/s Encess Sales Corporation & Ors. pending in the Court of Metropolitan Magistrate,Railway Mobile Court,Andheri, Mumbai, Maharashtra State to the Court of Chief Judicial Magistrate,Ernakulam, Kerala.

Admittedly, a complaint petition was filed by the respondent herein as against the petitioners for alleged commission of offences under Section 418 and Section 420 of the I.P.C. The fact that the petitioners are residents of the State of Kerala is not in dispute. It has also not been disputed that the respondent Company has an office at Ernakulam. It appears that most of the transactions took place within the jurisdiction of the Court of Chief Judicial Magistrate, Ernakulam.

We are, therefore, of the opinion that interest of justice would

be subversed if the aforementioned case is transferred from the Court of Metropolitan Magistrate, Railway Mobile Court, Andheri to the Court of Chief Judicial Magistrate, Ernakulam.

Learned Chief Judicial Magistrate shall take up the matter himself for disposal or transfer the same to a Court of competent jurisdiction. We direct the transferee Court to issue notices to the parties upon fixing a specific date of hearing.

We furthermore direct that the transferee Court shall accommodate the respondent as far as practicable.

The petitioners shall not take any adjournment on the dates when the witnesses to be examined on behalf of the respondent remain present in Court. The petitioners shall also render all cooperation to the Court for the early disposal of the matter.

If it is not otherwise inconvenient to the concerned Court, we would request the concerned Court to consider the desirability of taking up the matter on day to day basis. We would also request the concerned Court to dispose of the matter as expeditiously as possible and preferably within six months from the date of receipt of copy of this order.

The transfer petition is allowed with the aforementioned observations.

.....J.

[S.B. SINHA]

.....J.
[LOKESHWAR SINGH PANTA]

New Delhi,
November 14, 2007