

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO. 211 OF 2008

A.K.RAMACHANDRAN

Petitioner(s)

VERSUS

JOHN P.THOMAS

Respondent(s)

(With application for stay)  
(FOR FINAL DISPOSAL)

Date: 13/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)Mr. Raghenth Basant,Adv.  
Ms. Liz Mathew,Adv.

For Respondent(s) Mr. Alex Joseph,Adv.  
Mr. Manoj V. George,Adv.  
Mr. Gireesh Kumar,Adv.  
Mr. Ranjith K.C.,Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard the learned counsel for the parties.  
The transfer petition is dismissed with observation and direction as  
contained in the signed order.

(A.S. BISHT)  
MASTER

(PUSHAP LATA BHARDWAJ) COURT  
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 211 OF 2008

A.K. RAMACHANDRAN

... PETITIONER(S)

:VERSUS:

JOHN P. THOMAS

... RESPONDENT(S)

ORDER

Having heard the learned counsel appearing on behalf of the parties, we are of the opinion that in view of the stand taken by the respondent that the cheque was issued at Delhi in terms of the agreement for sale dated 5th September, 2008, which was also executed at New Delhi, we are of the opinion that it is not a fit case where the prayer for transfer of the criminal case pending in the Court of Metropolitan Magistrate, Patiala House Courts, New Delhi should be directed to be made to the Court of Judicial Magistrate, 1st Class, in Kerala.

However, on the petitioner's filing an appropriate undertaking supported by an affidavit, that he shall appear before the Court concerned whenever his personal presence is required, the personal presence of the petitioner may be dispensed with.

-2-

We would request the learned Trial Judge to consider the desirability of fixing a specific date of hearing in the matter so as to enable the petitioner to appear before the Court, in the event any occasion arises therefor. The learned Trial Court is further requested to dispose of the complaint case pending before him, filed by the respondent herein, as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this order.

The transfer petition is dismissed with the aforementioned observation and direction.

.....J  
(S.B. SINHA)

.....J  
(ASOK KUMAR GANGULY)

NEW DELHI,  
MAY 13, 2009.