

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. 111/2000

SHEELA OJHA & ANR.

Petitioner (s)

VERSUS

STATE OF WEST BENGAL

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for stay)
With

SLP(Crl.)No.3614/2001

Date : 19/04/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s) Mr.S. Muralidhar,Adv.
Mr.S. Val;linayagam,Adv.
Mr.Shreyas Jayasimha,Adv.
Ms. Neeru Vaid,Adv.

For Respondent (s) Mr. Tara Chandra Sharma,Adv.

Mr.S.K. Bhattacharya,Adv.
Mr.Nalin Tripathi,Adv.
Mrs Sarla Chandra,Adv.

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

.....L.....I.....T.....T.....T.....T.....J.....

.SP2

The petition is allowed. It is directed that
G.R.Case No. 627/97 (arising out of Howarah Police
Station Case No. 76 dated 2.4.97) State Vs. Ram
Kumar Sharma & Sheela Ojha pending in the Court of
Sub-division Judicial Magistrate, Howrah(Sadar), West
..2/-

:2:

Bengal shall be transferred to the Court of Sessions
Judge, Bikaner who may assign the same for trial by a
competent court at Bikaner. On receipt of this order,
the Court of sub-Divisional Judicial Magistrate at
Howrah (Sadar), West Bengal shall forthwith transfer

the record of the proceedings to the Sessions Judge, Bikaner for compliance as per direction made hereinabove.

The Transfer Petition is allowed accordingly.

S.L.P (Crl.) No. 3614 of 2001@@
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Dismissed as withdrawn, as prayed by the petitioner.

.SP1

Ashwani

(Radha Rani Bhatia)
Court Master

(Signed order is placed on the file.)

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.PL56

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Crl.) No. 111/2000@@
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Sheela Ojha & Anr.Petitioners

VERSUS

State of West BengalRespondent

With@@
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SLP(Crl.) No. 3614/2001@@
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O R D E R@@
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.SP2

This is a petition under Section 406 Cr.P.C. seeking transfer of G.R. Case No. 627/1997 titled "State Vs. Ram Kumar Sharma & Anr." pending in the Court of Sub-Divisional Judicial Magistrate Howrah (Sadar), West Bengal to the Court of Judicial Magistrate (Ist Class), Loonkaransar, Dist. Bikaner, Rajasthan. Sheela Ojha, the accused-petitioner No.1, is the wife of Santosh Kumar Ojha the complainant on whose FIR a case under Section 380 IPC has been registered against Sheela and her brother Ram Kumar Sharma, the petitioner No.2. The accusation made in the FIR is that the complainant's wife and her brother stole gold, silver and other articles from a building i.e. the house of the complainant.

...2/-

: 2 :

The case is an unfortunate outcome of

matrimonial dispute between the complainant and the accused Sheela Ojha. There is matrimonial proceedings pending between the parties which, by an order of this Court, has been directed to be transferred to the Family Court, Bikaner. There is another prosecution under Section 498A I.P.C. initiated by the petitioner No. 1 against her husband, the complainant in the present case which is pending before a Criminal Court in the Bikaner District.

After hearing the learned counsel for the parties and having considered the facts and circumstances of the case, we are of the opinion that it will be for the convenience of the parties and in the interest of justice, if this criminal case is also directed to transfer to a competent Court in Bikaner District.

The petition is allowed. It is directed that G.R. Case No. 627/97 (arising out of Howrah Police Station Case No. 76 dated 2.4.1997) State Vs. Ram Kumar Sharma & Sheela Ojha pending in the Court of Sub-Divisional Judicial Magistrate, Howrah (Sadar), West Bengal shall be transferred to the Court of ...3/-

: 3 :

Sessions Judge, Bikaner who may assign the same for trial by a competent Court at Bikaner. On receipt of this order, the Court of Sub-Divisional Judicial Magistrate at Howrah (Sadar), West Bengal shall forthwith transfer the record of the proceedings to the Sessions Judge, Bikaner for compliance as per direction made hereinabove.

The Transfer Petition is allowed accordingly.

S.L.P. (Crl.) 3614 of 2001@@
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Dismissed as withdrawn, as prayed by the petitioner.

.SP1

.....J.
(R.C. LAHOTI)

New Delhi,
April 19, 2002.

.....J.
(D.M.DHARMADHIKARI)