

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO.408 OF 2005

AMIT LAMBA

PETITIONER(S)

VERSUS

W.WANGYUH KONYAK & ORS.

RESPONDENT(S)

WITH

TRANSFER PETITION (CRL.) NO.483 OF 2005

W.WANGYUH KONYAK

PETITIONER(S)

VERSUS

AMIT LAMBA

RESPONDENT(S)

O R D E R

The petitioner in T.P.(Crl.)No.408/05 is an accused in a criminal case filed by the first respondent in Dimapur in Nagaland. In

the complaint, it is alleged that the accused had committed offences

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punishable under Sections 318, 468, 469, 500, 501,120 B read with section 34 of the IPC. The petitioner, who is accused in that case, seeks transfer of the case from Dimapur Court to the appropriate court at New Delhi.

The petitioner in SLP(Crl.)No.483/05 is an accused in a case filed by the petitioner in T.P.(Crl.)No.408/05 filed under Section 138 of the Negotiable Instruments Act alleging that the petitioner in T.P.(Crl.)no.483/05 had executed a cheque in favour of the complainant therein.

The petitioner in T.P.(Crl.)No.483/05 seeks transfer of that criminal case pending in the Court of Rohtak to the appropriate court at New Delhi.

We are told that there is another complaint already filed by the petitioner in TP(Crl.)No.483/05 in the Court at A.C.M.M., Patiala Courts, New Delhi. There are three other respondents in T.P.(Crl.)No.408/05, who are the accused in that case. They are impleaded as

parties in T.P.(Crl.)No.408/05, but they have not entered their appearance in the case.

The transfer of the case from Dimapur to Delhi is opposed by learned senior counsel for the first respondent on the ground that the petitioner has filed a case of defamation and to prove the allegations in

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the complaint, it would be difficult for him to produce all witnesses.

Having regard to the various criminal cases pending between the parties, we deem it just and proper to transfer all the cases to the Court of A.C.M.M., Patiala House, New Delhi.

In the result, we transfer the Criminal Complaint No.23 of 2005, titled Shri W.Wanyuh Konyak Vs. Amit Lamba & Ors., pending before the Addl.Deputy Commissioner (J), Dimpur, Nagaland to the court of A.C.M.M., Patiala House, New Delhi, Complaint Case No.35/2004 pending before the Court of Shri Mewa Singh, Chief Judicial Magistrate, Rohtak titled as Amit Lamba Vs. W.Wanyuh Konyak to the Court of A.C.M.M., Patiala House, New Delhi.

The transfer petitions are allowed accordingly.

.J.

.....  
(K.G. BALAKRISHNAN)

.J.

.....  
(D.K. JAIN)

NEW DELHI;

15TH SEPTEMBER, 2006.

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ITEM NO.32

COURT NO.2

SECTION XVIA

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(s). 408 OF 2005

AMIT LAMBA

Petitioner(s)

VERSUS

W. WANGYUH KONYAK & ORS.

Respondent(s)

(With appln(s) for stay and office report )

WITH T.P.(CRL) NO. 483 of 2005

(With appln.(s) for stay and c/delay in filing the spare copies and office report)

Date: 15/09/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Prashant Bhushan, Adv.

in T.P.(Crl.)No.

408/05 & respondent

in T.P.(Crl.)No.483/05

For Respondent(s) Mr.K.T.S.Tulsi, Sr.Adv.

in T.P.(Crl.)No.

Ms.Maldeep Sidhu, Adv.

408/05 & respondent Mr.Amarjit Singh Bendi, Adv.

in T.P.(Crl.)No.483/05

Mrs.Revathy Raghavan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned in filing the spare copies.

The transfer petitions are allowed, in terms of the signed order.

(G.V.Ramana)

( Veera Verma )

Court Master

Court Master

(Signed order is placed on the file)