

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). 262 OF 2009

PUSHPA RANI MITTAL & ANR. Petitioner(s)

VERSUS

PRALAY KUMAR SINHA & ORS. Respondent(s)

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

Date: 21/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Ram Niwas, Adv.  
Mr. Lal Pratap Singh, Adv.  
Mr. Brijesh Singh, Adv.  
Ms. N.Annapoorani, Adv.

For Respondent(s) Ms. Nandini Sen, Adv.  
Mr. Sumantra Singh, Adv.  
Mr. Deba Prasad Mukherjee, Adv.

Ms. Chhaya Kumari, Adv.  
Mr. Anil Kumar Jha ,Adv

Mr. Amit Anand Tiwari ,Adv.

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

The transfer petition is dismissed.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO(s). 262 OF 2009

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O R D E R

This transfer petition has been filed seeking transfer  
of the complaint case No. 2144 of 2008 pending in the Court

of the Judicial Magistrate, 1st Class, Ranchi to the Court of competent jurisdiction at Delhi or New Delhi.

One of the grounds urged by the petitioners for seeking transfer of the said complaint case is that the Judicial Magistrate at Ranchi where the complaint case is pending has no territorial jurisdiction to entertain and try the complaint.

An order of transfer of a case can be passed where both the courts, namely, the transferor court as well as the transferee court, have jurisdiction to hear the case and the party seeking transfer of the case alleges that the transferee court would be more convenient because the witnesses are available there or for some other reason it

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will be convenient for the parties to have the case heard by the transferee court.

There is no question of transfer of a case which has been filed in a court which has no jurisdiction at all to hear it. Hence, in a case where a party alleges that the court where the case is pending has no jurisdiction, he should apply to that court for dismissing it on this ground.

There is no question of transfer of such a case. [See : Order dated 14th February, 2011 of this Court passed in *Neha Arun Jugadar & Anr Vs. Kumari Palak Diwan Ji*, Transfer Petition (Civil) No. 182 of 2011].

Following the aforesaid Order of this Court, this transfer petition is dismissed.

It is open to the petitioners herein to apply to the concerned Judicial Magistrate at Ranchi for dismissal of the complaint case pending before it on the ground that there is no jurisdiction in the Court to hear the case, and if they do so, the Court concerned will decide the application in accordance with law after hearing the parties concerned.

.....J.  
(MARKANDEY KATJU)

.....J.  
(GYAN SUDHA MISRA)

NEW DELHI;  
FEBRUARY 21, 2011.

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