

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). 345 OF 2009

RAM SWARUP SHARMA & ANR.

Petitioner(s)

VERSUS

PUJA @ RAJWATI & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 16/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE ASOK KUMAR GANGULYFor Petitioner(s) Mr. H.K. Chaturvedi, Adv.
Mr. Anilendra Pandey, adv.
Mr. Hemant Chaturvedi, Adv.
Ms. Priya Kashyap, Adv.UPON hearing counsel the Court made the following
O R D E R

The petitioner has prayed for transfer of a criminal case from Gurgaon(Haryana) to Bandikui (Rajasthan).

Submission of the learned counsel for the petitioners is that the Gurgaon Court has no jurisdiction. If that is so, the petitioners may, if so advised, apply for dismissal of the case in the Gurgaon Court on the ground of lack of jurisdiction. A transfer order is passed where both the Courts i.e. where the case is pending as well as the Court to which transfer is sought have jurisdiction. But if the court where the case is pending is not having jurisdiction, there is no question of transfer.

With these observations, the transfer petition is dismissed.

(Parveen Kr. Chawla) (Indu Satija)
Court Master Court Master