

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). 410 OF 2008

KANU BHATIA

Petitioner(s)

VERSUS

INDIAN OVERSEAS COMPNAY P.LTD.

Respondent(s)

(With appln(s) for stay)

Date: 07/09/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Balvir Singh Dosanjh, Adv.  
Mr. Jagjit Singh Chhabra,Adv.

For Respondent(s)

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

Despite service no one appears for the respondent.

The transfer petition is allowed in terms of the signed order.

[ Charanjeet Kaur ] [ Pushap Lata Bhardwaj ]  
Court Master Court Master

[ Signed order is placed on the file ]  
IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 410 OF 2009

Kanu Bhatia .. Petitioner(s)

Versus

Indian Overseas Company P. Ltd. .. Respondent(s)

O R D E R

By this petition, the petitioner who is carrying on his business in Delhi, seeks transfer of Criminal Case No. 624 of 2007, titled as Indian Overseas Co. Pvt. Ltd. vs. Kanu Bhatia, under Section 138 of Negotiable Instruments Act, 1881 from the Court of Additional Chief Judicial Magistrate Jorhat, Assam to any other appropriate Court in

Delhi.

Despite service no one appears for the respondent.

Accordingly, we have heard learned counsel for the petitioner.

The stand of the petitioner is that though the respondent conducts its business activities from Delhi; the business transaction between them took place in Delhi; the cheque in question for Rs. 70,000/- was drawn on ICICI Bank Ltd, Vasant Vihar, New Delhi and the same was presented for realisation in a New Delhi branch of a bank but in order to clothe the Courts in the State of Assam, legal notice was got issued from Assam and then the complaint was filed in Assam with a view to unnecessary harass him.

: 2 :

Having regard to the facts stated in the petition, and bearing in mind the fact that these have not been controverted by the respondent, we are of the view that the prayer for transfer of the case deserves to be accepted.

Accordingly, the transfer petition is allowed. It is directed that Criminal Case No. 624 of 2007 stated to be pending in the Court of Additional Chief Judicial Magistrate Jorhat, Assam shall stand transferred to the District Courts at Rohini, Delhi. On transfer, the learned District Judge shall assign the case to a competent Court for trial in accordance with law.

.....J.  
[ D.K. JAIN ]

.....J.  
[ H.L. DATTU ]

NEW DELHI,  
SEPTEMBER 07, 2009.