

ITEM NO.48

COURT NO.9

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). 362-363 OF 2011

SUNANDA S SHETTY Petitioner(s)

VERSUS

NITIN MEHRA @ NITIN DARSHAN MEHRA Respondent(s)

(With application for stay and office report)

WITH T.P.(CRL) NO. 448 of 2011
[PARKASH SHETTY V. NITIN MEHRA @NITIN DARSHAN MEHRA]
(With application for stay and office report)

Date: 08/10/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. S. Balaji, Adv.
For M/S.Mahalakshmi Balaji & Co., Advs.

For Respondent(s) Mr. Sibho Sankar Mishra, Adv.
Mr. Adbhut Pathak, Adv.

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

The transfer petitions are disposed of in terms of the signed order.

[KALYANI GUPTA] | [SHARDA KAPOOR]
COURT MASTER | COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]
IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NOS.362-363 OF 2011

SUNANDA S. SHETTY PETITIONER

VERSUS

NITIN MEHRA @NITIN DARSHAN MEHRA RESPONDENT

WITH

TRANSFER PETITION (CRIMINAL) NO.448 OF 2011

PARKASH SHETTY PETITIONER

VERSUS

NITIN MEHRA @NITIN DARSHAN MEHRA RESPONDENT

O R D E R

1. We have heard learned counsel for the parties on the prayer of the petitioners to transfer criminal proceedings in Cheque Bouncing Case No. 38/2 and Cheque Bouncing Case No. 433/2 from the Court of Judicial Magistrate, Ludhiana, Punjab to any other criminal court of competent jurisdiction at Mumbai, Maharashtra.

2. Considering the fact that the complainant has opted to file the complaint before the Judicial Magistrate, Ludhiana, Punjab and the case relates to a commercial transaction between the parties, we are not inclined to allow transfer of the aforesaid two criminal proceedings from the Court of the Judicial Magistrate, Ludhiana, Punjab to the court of competent jurisdiction at Mumbai. However, considering the fact that Sunanda S. Shetty, the accused in Cheque Bouncing Case No. 433/2 is a lady aged about 72 years, we direct that the personal appearance of the aforesaid accused Sunanda S. Shetty will be dispensed with by the trial court under Section 205 of the Code of Criminal Procedure.

3. With the aforesaid order, these transfer petitions are disposed of.

.....J
[A.K. PATNAIK]

.....J
[H.L. GOKHLAE]

NEW DELHI
OCTOBER 08, 2012.