

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). 385 OF 2004

SWATI SHARMA

Petitioner(s)

VERSUS

BRIJ GOPAL

Respondent(s)

(With appln(s) for stay)

WITH

T.P.(CRL) NO. 12 of 2005

T.P.(CRL) NO. 386 of 2004

(with applications for stay)

Date: 24/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Ms. Manjula Gupta,Adv.

For Respondent(s)

Mr. Rishi Maheshwari, Adv.

Ms. Tarannum Ansari, Adv. for

Mr. R.K. Maheshwari,Adv.

Mr. Prem Sunder Jha, Adv.

Mr. R.K. Maheshwari, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petitions are allowed.

(J.S. Rawat)

(Kanwal Singh)

AR-cum-PS

Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(CRL.) NO.385 OF 2004

Swati Sharma

Petitioner

Versus

Brij Gopal

Respondent

WITH

TRANSFER PETITION (CRL.) NO. 386/2004

AND

TRANSFER PETITION (CRL.) NO.12/2005

O R D E R

Petitioner-wife has filed these transfer petitions under Section 406

(i) of the Code of Criminal Procedure seeking transfer of three cases

Criminal Case No.80/S/2000 titled as Brij Gopal v. Smt. Swati Sharma

pending before the Court of the Metropolitan Magistrate, 21st Court
at

Bandra, Mumbai, (ii) Criminal Case No. 148/2002 titled as Virender Nath

Diwan v. Smt.Swati Sharma & Anr. pending before the Court of the Chief

Judicial Magistrate, Jagadhari, Haryana and (iii) Criminal Case No.

210/P/2003 titled as Brij Gopal & Anr. v. Smt. Swati Sharma & Anr

pending before the Court of the Metropolitan Magistrate, 10th Court
at

Andheri, Mumbai to Muzaffar Nagar (U.P.) where she resides.

After hearing counsel for the parties and having regard to
the

assertions made in the petitions, counter affidavit and looking to the

convenience of the wife, we deem it appropriate to transfer the aforesaid

cases to District Judge, Muzaffar Nagar (U.P.). We order accordingly.

The concerned Courts at Mumbai & Jagadhari are directed to

transmit forthwith the entire record related to the aforesaid cases to t
he

District Judge, Muzaffar Nagar (U.P.), who on receipt of the same may

either retain them on his own board or assign the same to any other court of

competent jurisdiction.

The Transfer Petitions are allowed accordingly.

.....J.

.....
(ASHOK BHAN)

New Delhi;

.....J.

November 24, 2006.

.....
(DALVEER BHANDARI)

