

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO(s). 356 OF 2009

RASHEEDA

Petitioner(s)

VERSUS

M/S BOMBAY CHITS & FINANCE CO.P.LTD.

Respondent(s)

ORDER

Heard learned counsel for the parties.

This Court has, while issuing notice on 6th November, 2009, directed stay of further proceedings pending in the Court of Metropolitan Magistrate, 33rd Court at Bellard Pier, Mumbai and since then this transfer petition remained pending for one reason or the other.

Counsel for the respondent has not filed counter affidavit despite being given several opportunities.

The limited question involved in this petition is whether on the prayer of the petitioner, the Complaint Case No. 1183/SS of 2009 titled as M/s Bombay Chits and Finance Co. (P) Ltd. Vs. Mrs. Rasheeda, pending in the Court of Metropolitan Magistrate, 33rd Court at Bellard Pier, Mumbai filed by the respondent herein

2

should be transferred to the Court of competent jurisdiction at Ernakulam, Kerala.

From the petition of complaint, it appears that the Cheque in question was issued by the petitioner herein from Ernakulam. This fact is apparent on the face of the complaint petition.

Learned counsel for the respondent-complainant, however, despite repeatedly questioned by this Court,

could not satisfy the Court with any material on record showing that the said cheque was dishonoured in Mumbai.

In view of the above factual situation, this Court is of the opinion that the Mumbai Court has hardly any jurisdiction to try this case. Apart from that, we also consider the fact that the petitioner herein is a single lady staying at Ernakulam. Considering all these facts, we direct the case which is pending before the Court of Metropolitan Magistrate, 33rd Court at Bellard Pier, Mumbai shall stand transferred to an appropriate court of competent jurisdiction at Ernakulam.

Before parting with the matter, we make it clear that we have not gone through the merits of the controversy and the transferee Court shall consider the matter on its own merits without construing anything said in this order as an expression of opinion on the merits of the controversy.

The Transfer Petition is thus allowed accordingly.

.....J.
(ASOK KUMAR GANGULY)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI,
02-01-2012

4

ITEM NO.41

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). 356 OF 2009

RASHEEDA

Petitioner(s)

VERSUS

M/S BOMBAY CHITS & FINANCE CO.P.LTD.
(With appln(s) for stay and office report)

Respondent(s)

Date: 02/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Ms. Suruchii Aggarwal, Adv.

For Respondent(s)

Mr. P.V. Dinesh, Adv.

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

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

(G. SUDHAKARA RAO)
COURT MASTER

(P.S. TYAGI)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)