

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). 79 OF 2009

M/S. PRASHANT EXPORTS & ORS.

Petitioner(s)

VERSUS

TEXMART(INDIA) PVT. LTD.

Respondent(s)

(With appln(s) for stay and office report)

(for final disposal)

Date: 13/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. C.K. Rai, Adv.
 Mr. S. Palo, Adv.
 Ms. Malini Poduval, Adv.

For Respondent(s) Mr. Sudarshan Rajan, Adv.

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

Transfer Petition is allowed in terms of the
signed order.

(Rajni Mukhi)
P.A.
(Singed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

(Vinod Kulvi)
Court Master

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O R D E R

This is a Transfer Petition filed by M/s. Prashant Exports and its partners, Mrs. Pranita Sarkar and Mrs Sutapa Samanta, praying for transferring the Criminal Complaint No. 182/2007, pending before Shri Sidharth Mathur, Metropolitan Magistrate, Room No.361A, 3rd Floor, Tis Hazari Court, Delhi titled as Texmart (India) Pvt. Ltd. Vs. M/s. Prashant Exports & ors., to a Court of competent jurisdiction in Kolkata.

Having heard learned counsel for the parties and

having particular regard to the fact that out of the entire amount due to the respondent Company, about 90% has been paid, and also having regard to the fact that certain complaints have been made by the petitioners to the respondent regarding the working of the machinery supplied, we are inclined to allow the transfer petition. Accordingly, the said Criminal Complaint No. 182/2007, pending on the file of Shri Sidharth Mathur, Metropolitan Magistrate, Room No. 361A, Tis Hazari Court, 3rd Floor, Delhi, be transferred to the Court of the Chief Metropolitan Magistrate, Kolkata, for being tried by a competent Court having jurisdiction over this matter.

.....J
(ALTAMAS KABIR)

.....J
(A.K. PATNAIK)

NEW DELHI
September 13, 2010