

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
MISCELLANEOUS APPLICATION NO. 916/2021

IN

TRANSFER PETITION(CRL.) NO. 296/2017

SUNITA MANOJ SINH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

O R D E R

By the order dated 24.03.2021, the above Transfer Petition was allowed as prayed for. But, there was a defect in the prayer.

The defect in the prayer was that the petitioner was seeking transfer of the criminal case registered under various provisions of the Indian Penal Code from the Court of the Judicial Magistrate, Thane, Maharashtra, to the Family Court, Vadodara, Gujarat. Since, the Family Court does not have jurisdiction to try the criminal cases under the Indian Penal Code, the Family Judge, Vadodara, Gujarat has written a letter to the Registry and that letter has been treated as a Miscellaneous Application and is placed before this Court.

Though, Mr. Rohit K. Singh, learned counsel for the Respondent contended that it is the petitioner's own making and that the petitioner made a wrong prayer in the Transfer Petition, I do not think that the operative portion of the order passed in the Transfer Petition can be allowed to stand. The Family Court, as a matter of fact, cannot deal with a criminal complaint for various

offences under the IPC. A wrong order of the Court cannot be allowed to stand on the ground that one of the parties invited the same.

Therefore, Miscellaneous Application is allowed and the order dated 24.03.2021 shall stand modified with a direction to transfer the criminal proceedings to a competent court in Vadodara, Gujarat as directed by the Chief Judicial Magistrate of Vadodara.

If the Family Court, Vadodara has already received the file of the transferred case, the same shall be sent to the Chief Judicial Magistrate for allotment of the same to the competent Court.

Pending applications, if any, stand disposed of.

..... J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
AUGUST 11, 2021

ITEM NO.28 Court 10 (Video Conferencing)

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 916/2021 in T.P.(Cr1.) No. 296/2017

(Arising out of impugned final judgment and order dated 24-03-2021 in T.P.(Cr1.) No. No. 296/2017 passed by the Supreme Court of India)

SUNITA MANOJ SINH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 11-08-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) By Courts Motion

Mr. Abhinav Ramakrishna, Adv.
Mrs. Anjali Chauhan, Adv.
For M/S. Ars Associates, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Rohit K. Singh, AOR

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

The Miscellaneous Application is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(MANISH ISSRANI)
COURT MASTER(SH)

(MATHEW ABRAHAM)
COURT MASTER(NSH)

(SIGNED ORDER IS PLACED ON THE FILE)