

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 224 OF 2020

BLUE LINE ENTERTAINMENT MEDIA LTD. & ANR. Petitioner(s)

VERSUS

KOTAK MAHINDRA BANK LTD. Respondent(s)

O R D E R

Heard Ms. D. Durga Devi, learned counsel appearing for the petitioners.

Also heard Mr. Niraj Kumar, learned counsel appearing for the respondent.

We have perused the records and also considered the submissions.

While issuing notice, this Court, on 19.08.2020, passed the following order:

“The petitioner is a proprietary Firm and has filed this Transfer Petition through its Director, Neelima. They seeks transfer of the Complainant filed under Section 138 of Negotiable Instrument Act, pending at Ahmedabad, Gujarat, to a competent Court at Chennai.

Mr. Pranab Prakash, learned counsel submits that the Complainant Kotak Mahindra Bank had advanced loan to the petitioner and all these transactions had taken place in Chennai. Thereafter, the respondent commenced recovery proceeding through Arbitration at Chennai itself. The repayment of the loan was also being done through the Bank at Chennai. Accordingly, the legitimacy of Complaint before the Ahmedabad Court, is questioned by the petitioner. The learned counsel submits that the Kotak Mahindra Bank has all India presence with Head Office in Mumbai and although they commenced the Arbitration Proceeding at Chennai, the later complaint before Ahmedabad is filed only to

harass the petitioner.

In view of above, let notice, returnable within four weeks, be issued.

There shall be stay of further proceedings in Criminal Case No.47727/2019 titled as "Kotak Mahindra Bank Ltd. Vs. Blue Line Entertainment Media Ltd. & Anr.", pending before the Court of R.H. Prajapati, Additional Chief Metropolitan Magistrate [N.I.A], Court No.32, Ahmedabad, Gujarat until further orders.

Having considered the submissions and taking note of the fact that the respondent had themselves initiated arbitration proceedings in Chennai and they do have an all India presence, we deem it appropriate to allow this transfer petition.

Consequently, Criminal Case No. 47727 of 2019 titled as *Kotak Mahindra Bank Ltd. v. Blue Line Entertainment Media Ltd. & Anr.* pending before the Court of Additional Chief Metropolitan Magistrate (N.I.A.), Court No. 32, Ahmedabad, Gujarat stands transferred to the Court of Metropolitan Magistrate, Chennai, Tamil Nadu. The transfer petition stands allowed.

Registry to communicate a copy of this order to the transferor Court for effecting compliance.

....., J.
[K.M. JOSEPH]

....., J.
[HRISHIKESH ROY]

New Delhi;
October 31, 2022.

ITEM NO.43

COURT NO.5

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

Transfer Petition (Criminal) No. 224/2020

BLUELINE ENTERTAINMENT MEDIA LTD. & ANR.

Petitioner(s)

VERSUS

KOTAK MAHINDRA BANK LTD.

Respondent(s)

(With IA No. 70555/2020 - EX-PARTE STAY and IA No. 70556/2020 -
EXEMPTION FROM FILING AFFIDAVIT)

Date : 31-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Ms. D. Durga Devi, Adv.
Mr. Pranab Prakash, AOR

For Respondent(s)

Mr. Niraj Kumar, Adv.
Mr. Ars Subramanyam, Adv.
Mr. Kamil Khan, Adv.
Mr. T. R. B. Sivakumar, AOR

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

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

Pending applications stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)

[Signed order is placed on the file.]