

IN THE SUPREME COURT OF INDIA  
ORIGINAL CRIMINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.254 OF 2020

WITH

TRANSFER PETITION (CRIMINAL) NO.258 OF 2020

GARGIBEN VIRAJBHAI DESAI

PETITIONER(S)

VERSUS

GIRISH S. CHINCHORE

RESPONDENT(S)

O R D E R

Heard Mr. Gaurav Goel, learned counsel appearing for the petitioner (accused). Also heard Mr. Chinmay Deshpande, learned counsel appearing for the respondents (complainant).

The proceedings were initiated against the petitioner under the Negotiable Instrument Act and it is the contention of the petitioner that the petitioner had never borrowed any money from the respondents but the respondents had mis-utilized the cheques furnished as security by the petitioner, to initiate false proceeding under the Negotiable Instrument Act. Learned counsel then submits that petitioner is a simple housewife and has no business transactions but is made to face false prosecution. Moreover, the Complaints of the respondents is contended to be wholly unbelievable, inasmuch as, cash loan worth Rs.1,00,000,00 (Rupees One Crore Only) is projected to have been given by the respondents to the petitioner.

Projecting the influence of the Complainant in his hometown at Dhadwad, Karnatka, the petitioner seeks transfer of the proceedings from the Court at Dhadwad to a competent Court at Ahmedabad, Gujarat.

On the other hand, respondents submit that the Complaint under the Negotiable Instrument Act was filed bonafide against the respondents on account of cheques being dishonoured by the bank.

As regards the plea for transfer of the case to another State, the respondents submit that the same should not be done inasmuch as, most of the witnesses are from Karnatka, and therefore, prejudice would be caused if the case is transferred to another State.

I have considered the above submissions. Bearing in mind the threat perceptions of the petitioner if she is to contest the cases at Dhadwad, which is the hometown of the Complainant, I deem it appropriate to order for transfer (i) CC No.1028 of 2019 titled as "*Girish S. Chinchore Vs. Gargiben Virajbhai Desai*" and (ii) CC No. 821 of 2019 titled as "*Deepak S. Chinchore Vs. Gargiben Virajbhai Desai*" pending in the respective Court of learned Second Additional Civil Judge and JMFC-II, Dhadwad, Karnatka, to the competent Courts at Bengaluru, Karnatka. It is ordered accordingly.

The petitioner is at liberty to apply for dispensing her personal appearance on non-essential days and if such application is filed, learned Court will consider the same in accordance with law.

With the above order the cases stand transferred. Let the records of the cases be transferred to the concerned Court, without delay.

It is, however, made clear that the observations herein are relevant only for the transfer order but shall have no bearing on the merit of the case.

..... J.  
[HRISHIKESH ROY]

New Delhi;  
December 14, 2020

ITEM NO.9 Court 13 (Video Conferencing)

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Transfer Petition (Criminal) No.254/2020

GARGIBEN VIRAJBHAI DESAI

Petitioner(s)

VERSUS

GIRISH S. CHINCHORE

Respondent(s)

(FOR ADMISSION and IA No.79430/2020-EX-PARTE STAY and IA  
No.79432/2020-EXEMPTION FROM FILING AFFIDAVIT  
IA No. 79430/2020 - EX-PARTE STAY  
IA No. 79432/2020 - EXEMPTION FROM FILING AFFIDAVIT)

WITH

T.P.(Cr1.) No. 258/2020 (XVI-A)

(FOR ADMISSION and IA No.82416/2020-EX-PARTE STAY and IA  
No.82420/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 14-12-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Gaurav Goel, AOR

For Respondent(s) Mr. Anirudh Sanganeria, AOR

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

The Transfer Petitions are allowed in terms of signed  
order.

Pending application(s), if any, shall stand disposed of.

(RACHNA)  
SENIOR PERSONAL ASSISTANT

(Signed order is placed on the file)

(POONAM VAID)  
COURT MASTER (NSH)