

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL) NO.353 OF 2020

IHITASHRI SHANDILYA

Petitioner(s)

VERSUS

AMIT BORUNDIYA

Respondent(s)

O R D E R

This is a petition filed under Section 406 of the Code of Criminal Procedure, 1973 (for short "CrPC"). The petitioner is the wife of the respondent who is her husband.

The petitioner has filed this transfer petition seeking the following reliefs:

"a) transfer Crl. Misc. No.75 of 2015, pending before the Ld. Metropolitan Magistrate (Traffic Court V), Bengaluru, Karnataka to the competent Court of Ld. District Judge, District and Sessions Court at Dwarka, New Delhi; and/or

b) Pass such other further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

We have heard learned counsel for the petitioner and learned counsel for the respondent.

It is stated at the Bar that a petition under Section 125 of CrPC has been filed by the petitioner and the same is being contested by the respondent at the competent court at Dwarka,

New Delhi.

Having heard learned counsel for the petitioner and learned counsel for the respondent and on perusal of the material on record, we find that the petitioner has made out a case for transfer of the aforesaid petition.

In the result, the transfer petition is allowed and CrI. Misc. No.75 of 2015 titled as "Smt. Ihitashri Shandilya vs. Amit Borundiya" pending before the Court of Metropolitan Magistrate (Traffic Court V), Bengaluru, Karnataka is transferred to the competent Court of District Judge, District and Sessions Court at Dwarka, New Delhi.

Registry to communicate this order to the transferor court for taking steps in accordance with this order.

However, liberty is reserved to the respondent to appear before the Court in the aforesaid matter through video conferencing facility. If such a request is made, the said Court shall make available video conferencing facility to the respondent herein.

....., J
[B.V. NAGARATHNA]

....., J
[UJJAL BHUYAN]

NEW DELHI,
AUGUST 01, 2023

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 STransfer Petition (Criminal) No.353/2020

IHITASHRI SHANDILYA

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(Mediation Report received.
IA No. 117615/2020 - EX-PARTE STAY)

Date : 01-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Aman Jha, Adv.
Mr. Gaurav Prakash Shah, Adv.
Mr. Rishi Tutu, Adv.
Mr. R. C. Kohli, AOR

For Respondent(s) Ms. Suhasini Sen, Adv.
Ms. Rahul Kripalani, Adv.
Mr. Ankit Yadav, AOR
Mr. Aditya Pratap Singh Chauhan, Adv.

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

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(Signed order is placed on file.)