

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(CRL.) NO.303 OF 2017

ANIL KUMAR SHARMA & ORS. . . . .PETITIONER(S)

VERSUS

LOVELY SHARMA . . . . .RESPONDENT

O R D E R

This petition has been filed by the petitioners for transfer of Complaint Case No.1304(c)/2016 dated 25.4.2016 titled as "Lovely Sharma Vs. Anil Kumar Sharma and Ors." pending before the Court of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna, to the Court of learned Chief Metropolitan Magistrate (North East) at Karkardooma Courts, Delhi.

The main contention on behalf of the respondent is that there are several witnesses who are from Patna and if the trial is shifted to Delhi, they will be put to difficulty in coming to Delhi.

However, learned counsel appearing for the petitioners states that the petitioners will bear costs of travel expenses of witnesses as and when occasion arises.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, we are satisfied with the averments made in this petition and deem it expedient to transfer the aforesaid case to the Court of learned Chief Metropolitan Magistrate (North East) at Karkardooma Courts, Delhi.

We direct accordingly.

The Court of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna, shall forthwith transmit the record of the aforesaid case to the Court of learned Chief Metropolitan Magistrate (North East) at Karkardooma Courts, Delhi.

In view of the above, we direct the petitioners to deposit a sum of Rs.10,000/- (Rupees ten thousand only) per witness, in the Court of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna, before the due date. The petitioners shall also bear all the expenses such as traveling, lodging and boarding, to be incurred by the respondent for attending trial at Delhi, and they will deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) for her each appearance, in the Court of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna, before the due date.

The witnesses and the respondent are given liberty to withdraw the aforesaid amount after they put their appearances before the Court of learned Chief Metropolitan Magistrate (North East) at Karkardooma Courts, Delhi.

The transfer petition is allowed accordingly.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

New Delhi;  
May 17, 2018.

ITEM NO.29

COURT NO.7

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.303/2017

ANIL KUMAR SHARMA &amp; ORS.

Petitioner(s)

VERSUS

LOVELY SHARMA

Respondent(s)

(FOR ADMISSION and IA No.89039/2017-EX-PARTE STAY and IA  
No.89042/2017-EXEMPTION FROM FILING O.T.)

Date : 17-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Ms. Anita Dhingra, Adv.  
For Mr. Debasis Misra, AOR

For Respondent(s) Ms. Nidhi, 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 interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASST.REGISTRAR

(Signed Order is placed on the file)