

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Transfer Petition(s)(Criminal) No(s). 114/2020

LEENA P. CHERAYATH & ANR.

Petitioner(s)

VERSUS

PATE CHIRAYATH

Respondent(s)

O R D E R

The petitioner's are before this Court seeking transfer of the Regular Criminal Complaint No.854 of 2019, filed by the respondent-husband of petitioner no.1 (wife), titled as "*Pate Chirayath Vs. Leena P. Cherayath and Another*" pending in the Court of 9th Judicial Magistrate, First Class Vashi at CBD Belapur Navi Mumbai to the Court of Chief Judicial Magistrate, Ernakulum, District Cochin Kerala.

In the light of the averments made in the petition and the contentions urged in the objection statement, we have heard the learned counsel for the parties.

A perusal of the papers indicates that the petition bearing M.P. No. 1146/2009, filed by the petitioner no.1 (wife) against the respondent-husband under Section 12 of Protection of Women from Domestic Violence Act, 2005 is

already pending before the Court of Additional Chief Judicial Magistrate, Ernakulum, Kerala.

In any event, keeping in view the reasons assigned in the petition(s) seeking for transfer, we are of the opinion that the order as prayed, is liable to be granted.

The prayer of the petitioner(s) is accordingly granted and it is directed that Criminal Complaint No.854 of 2019 titled "*Pate Chirayath Vs. Leena P. Cherayath and Another*", shall stand transferred from the Court of 9th Judicial Magistrate, First Class Vashi at CBD Belapur Navi Mumbai to the Court of Chief Judicial Magistrate, Ernakulum, District Cochin Kerala.

The records of the case be transferred to the Transferee Court forthwith.

Accordingly, the Transfer Petition is allowed.

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

.....J.
(A.S. BOPANNA)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi
30th August, 2022

ITEM NO.4

COURT NO.16

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(s)(Criminal) No(s). 114/2020

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PATE CHIRAYATH

Respondent(s)

(IA No. 47615/2020 - CONDONATION OF DELAY IN FILING THE SPARE
COPIES

(IA No. 31397/2020 - EX-PARTE STAY)

Date : 30-08-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Dr. Nirmal Chopra, AOR

For Respondent(s) Ms. Sunakshi Gupta, Adv.
Mr. Aditya Laroyia, Adv.
Mr. Sanjay Kumar Visen, 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 application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
(SENIOR PERSONAL ASSISTANT)

(signed order is placed on the file)

(BEENA JOLLY)
COURT MASTER (NSH)