

CASE NO.:
Transfer Petition (crl.) 230 of 2006

PETITIONER:
B.R. Gupta and another

RESPONDENT:
Rohit Jain

DATE OF JUDGMENT: 16/07/2007

BENCH:
Tarun Chatterjee & Markandey Katju

JUDGMENT:
JUDGMENT

O R D E R
TRANSFER PETITION (CRIMINAL) NO. 230 OF 2006

1. Heard learned counsel for the parties.
2. This Transfer Petition under Section 406 Cr.P.C. is for transfer of the case titled 'Rohit Jain vs. B.R. Gupta & another' pending in the Court of Shri Jagdeep K. Virat, Judicial Magistrate, Ist Class, Bhatinda, Punjab, under Sections 420/120-B IPC to the Court of the Metropolitan Magistrate, New Delhi.
3. It is stated in the petition that the petitioner's company is carrying on the business of manufacture and sale of pharmaceutical products, having its registered office at Delhi. It is further alleged that the petitioner's company sold some of its products to the respondent in connection with which the respondent issued a cheque dated 5.12.2002 in favour of the petitioner. That cheque was presented by the petitioner to its bank being Punjab National Bank, Connaught Place, New Delhi, but the same was dishonoured. Hence, a criminal complaint under Section 138 of the Negotiable Instruments Act was filed before the Chief Metropolitan Magistrate, New Delhi, which is pending before the Court of the Metropolitan Magistrate, Delhi.
4. It is alleged that subsequently the respondent has filed a private complaint dated 18.8.2004 under Sections 420/465/467/471/468 & 120-B IPC before the Court of Chief Judicial Magistrate, Bhatinda, Punjab against the Managing Director and General Manager (Marketing) of the petitioner's company, and on that complaint the Bhatinda Court summoned the Managing Director and General Manager (Marketing) of the petitioner's company vide its order dated 18.5.2006.
5. In the facts and circumstances of the case, we are of the opinion that the aforesaid Transfer Petition and the Criminal Case, which is pending before the Court of the Metropolitan Magistrate, Delhi should be heard together at one place which should be the Court at Delhi. Accordingly, the case titled 'Rohit Jain vs. B.R. Gupta & another' pending in the Court of Shri Jagdeep K. Virat, Judicial Magistrate, Ist Class, Bhatinda, Punjab under Section 420/120B IPC dated 18.8.2004 is transferred to the Court of the Metropolitan Magistrate, New Delhi for its disposal by itself or assigning the case to any other competent Court for its disposal, as it may deem fit.
6. The Transfer Petition is thus allowed.