

SUPREME COURT OF INDIA

Mohd. Muntazir Ahmed

Vs.

State of Bihar & Ors.

T.P.(Crl.)No.108 of 2006

(Altamas Kabir and J.M.Panchal,JJ.)

04.01.2008

ORDER

1. By this transfer petition, the petitioner-husband has prayed for transfer of the case pending before the Chief Judicial Magistrate, Muzaffarpur, Bihar filed by respondent No.4-wife by way of FIR No.39/2003 dated 3.4.2003 under sections 498A/406/34 IPC. As has been pointed out by the petitioner, three similar cases were filed by the respondent-wife in Delhi, one of which, namely, MC/62/2004,emanating from FIR No.584/2002 dated 30.12.2002 is at a very advanced stage before the learned Metropolitan Magistrate, Tis Hazari Court at Delhi. Having considered the submissions made on behalf of the respective parties, we are of the view that in order to avoid a conflict of decisions it is necessary that the aforesaid matter pending before the Chief Judicial Magistrate, Muzaffarpur, Bihar be transferred to the District & Sessions Judge, Delhi who may thereafter assign the same to the same learned Court which is hearing the case No.MC/62/2004. Since, the next date in case No.MC/62/2004 pending at Delhi is 30th March, 2008, as pointed out by the learned counsel for the petitioner, the records of the case pending in Bihar may be transferred to the court of the District & Sessions Judge, Delhi prior to the said date. The petitioner shall bear the expenses of the respondent-wife along with one attendant for travelling and lodging in Delhi for the purposes of the transferred case.

2. The Transfer Petition is disposed of accordingly.