

SUPREME COURT OF INDIA

Baswanappa Patil

Vs.

Sivakumar Patil & Anr.

T.P.(CrI.)No.307-308 of 2007

(S.B.Sinha and V.S.Sirpurkar, JJ.)

15.02.2008

ORDER

1. The petitioner by this application filed under Section 406 of the Code of Criminal Procedure has sought for transfer of the criminal complaint being ST No. 294/2007, titled as *Shivakumar Patil vs. Baswanappa patil*, as also the criminal complaint being ST No.523/2007, titled as Udayashree Patil vs. Baswanappa patil, both pending before the Court of Chief Judicial Magistrate, Kollam, Kerala, to the Court of Judicial Magistrate, First Class, Tandur, Rangareddy District in the State of A.P. The relationship between the petitioner and the respondent is that of father and son . Respondent No.2 is the wife of Respondent No.1. They have filed the aforementioned two complaint petitions against the petitioner for commission -2- of alleged offence under Section 138 of the Negotiable Instruments Act, which as noticed hereinbefore, are pending in the Court of Chief Judicial Magistrate, Kollam in the State of Kerala. From the averments made in the said transfer application as also the documents annexed thereto it appears that the respondents are also residents of Tendur in the District of Rangareddy, A.P. Having regard to the relationship between the parties and keeping in view the aforementioned fact, we are of the opinion that in the interest of justice the aforementioned two cases be transferred from the Court of Chief Judicial Magistrate, Kollam, Kerala to the Court of Judicial Magistrate, First Class, Tandur, Rangareddy District in the State of A.P. However, the transferee Court, keeping in view the fact that the respondents are ordinarily residents of Kollam in the State of Kerala, shall accommodate them as far as possible and, if expedient, shall take up both the matters for hearing on the same date.

2. The transfer petitions are allowed accordingly.