

SUPREME COURT OF INDIA

Radha S.Singh & Ors.

Vs.

State of U.P. & Anr.

T.P.(CrI.)No.171 of 2007

(Ashok Bhan and Dalveer Bhandari,JJ.)

15.02.2008

ORDER

1. This is a petition filed under Section 406, Cr.P.C. by the husband, mother-in-law, father-in-law and sister-in-law of respondent no.2 seeking transfer of Crime Case No.506 of 2005 under Sections 323/504/498A/313/420/306, IPC, titled, 'State v. Ajay Bahadur Singh & Others' pending before the Fast Track Court-II, Ghaziabad to a court of competent jurisdiction at Ahmedabad. Counsel for the respondents state that certain cases have been filed by the petitioners against respondent no.2 at Ahmedabad. Counsel for the petitioners states that the following three cases have been filed :

1. Case No.1424/07 titled 'State vs. Upasna Singh' pending before Chief Metropolitan Magistrate, Court No.19, Gheekanta, Ahmedabad;

2. Case No.5715/07 titled 'State of vs. Upasna Singh' pending before Executive Magistrate, Court No.1, Collector Office Compound, Ahmedabad; and T.P.(CrI.)No.171/07.

3. Family Suit No.912/2006 titled 'Ajay Shamsher Bahadur Singh vs. Upasna Singh' pending before Principal Judge, Family Court, 3rd Floor, Krishi Bhawan, Near Paldi Char Rasta, Ahmedabad. Counsel for the parties agree that all the four cases, the one pending at Ghaziabad and the other three pending at Ahmedabad be transferred and consolidated at Delhi for a composite trial. Accordingly, we direct that Crime Case No.506 of 2005 titled, 'State v. Ajay Bahadur Singh & Others' pending before the Fast Track Court-II, Ghaziabad and the three cases as mentioned above, pending at Ahmedabad be transferred to the District & Sessions Judge, Delhi who, on receipt of the case files, may either retain the same on his own Board or assign them to any other court of competent jurisdiction.

4. The transfer petition is disposed of accordingly.