

ITEM NO.1619

COURT NO.3

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Criminal) No(s). 655/2022

S. NALINI JAYANTHI

Petitioner(s)

VERSUS

M. RAMASUBBA REDDY

Respondent(s)

(FOR ADMISSION and IA No.150079/2022-STAY APPLICATION and IA
No.150080/2022-EXEMPTION FROM FILING O.T.)

Date : 19-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Ashwin Kotemath, Adv. (V.C.)
Mr. Harisha S.R., AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel appearing for the petitioner.

The petitioner is an accused in a complaint filed by the respondent invoking Section 138 of the Negotiable Instruments Act, 1881. A complaint under Section 138 cannot be transferred as per the convenience of the accused. However, the petitioner is a woman and a senior citizen. Therefore, she can always seek exemption from personal appearance. If an application is made by the petitioner for grant of exemption, the learned trial Judge shall favorably consider the same. The Trial Judge shall compel the petitioner to appear only when her presence is absolutely mandatory for the conduct of the trial. Subject to the above direction, the transfer petition is dismissed.

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

(SONIA BHASIN)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)