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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TR.P.(CRL.) 38/2013
MADHU SUDAN SHARMA Petitioner
Through: Mr. R.M.Sinha, Advocate

versus

FIVE ELEMENTARY CLOTHING P. LTD. THR.
ITS DIRECTOR Respondent

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% ORDER
31.07.2013

Crl.M.A.No.11313/2013 (Exemption)

Allowed subject to all just exceptions.

TR.P.(CRL.) 38/2013 & Crl.M.A.No.11312/2013

Transfer of complaint case No.418/2012 from the Court of Mr. Sunil Beniwal, Metropolitan Magistrate to any other court of competent jurisdiction is sought in this petition. Similar prayer made by petitioner before the learned Chief Metropolitan Magistrate (South), New Delhi stands declined vide order of 8th May, 2013.

It was urged before this Court by petitioner's counsel that petitioner's complaint against arbitrary misuse of process of law by the concerned Metropolitan Magistrate is already a subject matter of a complaint made by petitioner to the Chief Justice of this Court, which is being dealt with on the administrative side and the said complaint is still pending, so dismissal of

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petitioner's application seeking transfer of this case to another court is patently illegal.

Petitioner's complaint (*Annexure D*) made on the administrative side to Hon'ble The Chief Justice has been already closed on 3rd July, 2013. Otherwise also, upon perusal of this petition and the impugned order, I find no palpable error in the impugned order declining petitioner's prayer for transfer of CC No.418/12 to another court.

This petition and the application are accordingly dismissed.


(SUNIL GAUR)
Judge

JULY 31, 2013
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