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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TR.P.(CRL.) 5/2015 & CRL MA 224/2015

HEMANT KUMAR SACHDEVA Petitioner
Through: Dr Ashutosh, Advocate

versus

R S MEENA Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

% **ORDER**
09.01.2015

This petition has been preferred by the petitioner under Section 407 Cr PC to seek transfer of the petitioner's complaint bearing CC No.47/2012 from the jurisdiction of MM-Saket Court, to CMM Patiala House Court.

The case of the petitioner is that the petitioner had been illegally detained and subjected to physical and mental torture by the respondent/accused in relation to an alleged customs duty evasion. Learned counsel for the petitioner submits that the petitioner had raised the aforesaid aspect before the learned ACMM-01 on 19.03.2012 hearing the case "*Customs Vs. Deepak Rishi*". The learned ACMM, however, by placing reliance on the decision of this Court in *J.P. Singh v. Vinay Kanodia*, 2011 (3) JCC 1792, held that he did not have jurisdiction to entertain that aspect of the matter. The petitioner was left to seek his remedy elsewhere before a competent Court.

Consequently, the petitioner preferred a complaint in the Court of

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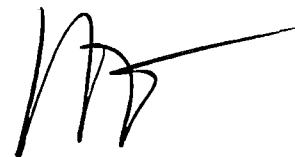
ACMM, Saket Court. He submits that in those proceedings, only the complainant has been examined. In the meantime, the Supreme Court has reversed the decision of this Court in *J.P. Singh* (supra) vide its decision dated 10.01.2013 in Criminal Appeal Nos.89-90/2013 (*Vinay Kanodia v. J.P. Singh*), and directed the learned Magistrate to complete the criminal proceedings within six months. Consequently, the petitioner sought transfer of the complaint to the Court of the ACMM-01, Patiala House Courts on 15.10.2014. However, the learned MM-02, Saket Court observed that he did not have the power of transfer. Consequently, the present petition has been preferred.

Learned counsel for the petitioner submits that the petitioner may be permitted to withdraw his Complaint Case No.47/2012 filed before the learned ACMM, Saket Courts and to present the same before the learned CMM, Patiala House Courts, since that Court would have jurisdiction. He submits that all the records pertaining to the customs duty evasion case are before the learned CMM, Patiala House Courts.

In view of the aforesaid statement, the petitioner is permitted to withdraw the complaint presently pending before the learned Magistrate at Saket Courts, and to present the same before the learned CMM, Patiala House Courts, who shall deal with the same in accordance with law.

Petition stands disposed of.

Dasti.



VIPIN SANGHI, J

JANUARY 09, 2015