

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

Date of Decision: January 13, 2015

+ CRL.M.C. 515/2013 & Crl.M.A.No.1684/2013

S P GUPTA

..... Petitioner

Through: Mr. Vijay Aggarwal, Ms. Chaitali Jain, Mr. Jatin Sethi, Ms. Samprikta, Mr. Yudhvir & Mr. Tarun Chandiok, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Vinod Diwakar, Additional Public Prosecutor for State
Mr. Mohit Mathur, Mr. Vikram S.Panwar, Mr. Ashok Sharma, Mr. Pranav Mathur & Ms. Vasudha Data, Advocates

+ TR.P.(CRL.) 56/2014 & Crl.M.A.No.12781/2014

S P GUPTA

..... Petitioner

Through: Mr. Vijay Aggarwal, Ms. Chaitali Jain, Mr. Jatin Sethi, Ms. Samprikta, Mr. Yudhvir & Mr. Tarun Chandiok, Advocates

versus

STATE & ANR

.....Respondents

Through: Mr. Vinod Diwakar, Additional Public Prosecutor for State
Mr. Mohit Mathur, Mr. Narendra Mann, Mr. Babar Mehmood & Ms. Vasudha Data, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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With the consent of parties, above-captioned two petitions were heard together and are being disposed of by this common judgment. In the above-captioned first petition, quashing of trial court's order of 23rd January, 2013 is sought. Vide aforesaid order learned Chief Metropolitan Magistrate has refused to transfer FIR No.90/2000 & 99/2002 both registered at Police Station Connaught Place, New Delhi and FIR No.148/2002 registered at Police Station Defence Colony, New Delhi and FIR No.315/2005 registered at Police Station Naraina, Delhi to one Court. In the above-captioned second petition, transfer of complaint case No.2513/2007 pending at Saket Court is sought to a court of competent jurisdiction at Patiala House Courts.

At the hearing, learned counsel for petitioner had submitted that competent court of jurisdiction to try these cases is at Patiala House Court Complex but due to personal reasons, the trial court at Patiala House Courts vide order of 8th July, 2011 had directed placing of these cases before the learned Chief Metropolitan Magistrate at Tis Hazari Courts and since the ACMM, New Delhi has been promoted. Therefore, it is prayed that these matters ought to be heard by the competent court of jurisdiction at Patiala House Courts and the complaint case pending in Saket Courts also deserves to be transferred to Patiala House Courts and to be clubbed with the aforesaid cases. The plea taken is that the

petitioner-accused is a senior citizen and it is not convenient for him to travel to Tis Hazari Courts and he is residing near the Patiala House Courts Complex and counsels, who are representing him are also mainly practicing in Patiala House Courts. Lastly, it was submitted on behalf of petitioner that trial of these cases is yet to begin and so these cases ought to be clubbed together and be tried at the Court of competent jurisdiction at Patiala House Courts.

On behalf of respondents, it is submitted that there are directions by different courts for expeditious trial of these cases and shifting of these cases from one court to another would delay the trial of these cases and it would defeat the directions given by a Coordinate Bench of this Court. It was pointed out that with the consent of petitioner these cases were transferred to Tis Hazari Courts and now petitioner cannot turn around and seek transfer of these cases to Patiala House Courts.

Upon hearing and on perusal of material on record, I find that shuttling of cases from one court to another Court is not in the interest of administration of justice. Afore-referred four cases and one complaint case is already being tried at the Tis Hazari Courts and one complaint case between the parties is pending in Saket Courts. Merely by change of a judicial officer, transfer or re-transfer of a case is not warranted. So far as the criminal complaint which is pending at Saket Courts is concerned, this Court finds that the same can be tried alongwith other pending cases of the parties at Tis Hazari Courts.

In view of aforesaid, these two petitions are disposed of while refusing to transfer the cases to Patiala House Courts but with a direction that Complaint Case No.2513/2007 pending in the Court of MM, Saket

District Courts, New Delhi be placed before Chief Metropolitan Magistrate at Tis Hazari Courts to be listed in the court of competent jurisdiction along with other pending cases of the parties, so that the directions issued by a Coordinate Bench of this Court for expeditious disposal of these cases can be complied with in letter and spirit.

Both the petitions and applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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