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

+ TR.P.(CRL.) 58/2014

RAVI ARORA

..... Petitioner

Through: Mr. Vijay Kumar Aggarwal, Advocate
with Neeraj Kumar Jha, Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Amit Chadha, APP for the State.
SI Ombir Singh, PS Crime STF
Mr. Sanjay Mishra, Adv. for R-10.
Mr. Anish Dhingra, Adv. for R-11.
Mr. Vishal Sinha, Adv. for R-13 to 15.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.05.2017

1. This transfer petition under Section 407 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) concerns three criminal cases which have arisen out of reports under Section 173 Cr.P.C. submitted on conclusion of investigation into FIR No.131/2008, under Section 406/420/409/120-B IPC of Police Station EOW; FIR No.61/2009, under Sections 420/467/468/471/506/120-B IPC of Police Station Najafgarh; and FIR No.84/2010, under Sections 420/406/468/471/120-B of Police Station Crime Branch. The investigating officer of case FIR No.84/2010 is on record having submitted to Additional Chief Metropolitan Magistrate, South that the third above mentioned case is an offshoot of the two earlier mentioned cases, all relating to the transactions in the nature of sale purchase of property located at Goa.

2. The proceedings arising out of charge sheet in case FIR No.131/2008 of Police Station EOW are presently pending in the court of Shri Tarun Yogesh, Chief Metropolitan Magistrate, South-West at Dwarka Courts Complex. It is fairly conceded by all sides that arguments on the charge in the said case have been heard over some dates though the same are still inconclusive.
3. It is further fairly conceded that the report under Section 173 Cr.P.C. in case FIR No.61/2009 is in the nature of a closure report pending consideration in the court of Shri Tarun Yogesh, Chief Metropolitan Magistrate, South-West at Dwarka Courts Complex.
4. The charge sheet in the third case arising out of FIR No.84/2010 of Police Station Crime Branch, the last in chronology, is pending in the Court of Ms. Surya Malik Grover, Chief Metropolitan Magistrate, South District at Saket Court Complex, the proceedings still having not resulted in any effective hearing, in as much as, it appears, the supplementary charge sheet of further investigation is awaited.
5. Having regard to the facts and circumstances, it appears just and proper that all the three cases are brought together before the same court. Thus, it is directed that the charge sheet submitted in last mentioned case FIR No.84/2010 of Police Station Crime Branch shall stand transferred from the court where it is presently pending to the court of Chief Metropolitan Magistrate, South-West District at Dwarka Courts Complex where other matters (former two) are pending. Needless to add, the supplementary report under Section 173 Cr.P.C. as and when filed in future in the last mentioned case shall also be submitted in the transferee court.

6. It is, however, fairly conceded by all sides, particularly the petitioner herein, that this order will not be construed as an order indicative of the need of clubbing of the three cases for a joint trial.

7. The learned counsel for the petitioner also fairly concedes that he shall not insist on all the three cases to be heard by the trial court on the same date, since the choice to do so is a matter within the discretion of the concerned court.

8. The transferor court shall make over the file to the transferee court after fixing an appropriate date for appearance of the parties before that court.

9. This disposes of the petition at hand.

R.K.GAUBA, J.

MAY 11, 2017

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