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

+ **TR.P.(CRL.) 36/2017**

**KARAN KUMAR**

..... Petitioner

Through : Mr. M.P. Sinha, Mr. Yatharth Sinha  
and Mr. Siddhant Shrivastava, Advs.

versus

**STATE (DELHI ADMINISTRATION)**

..... Respondent

Through : Mr. Amit Gupta, APP

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**15.09.2017**

**Crl. M.A. no.15348/2017 (exemption)**

Allowed, subject to all just exceptions. Application is disposed of.

**TR.P.(CRL.) 36/2017**

Learned counsel for the petitioner submits that petitioner is an accused in FIR No. 613/2017 under Section 376 IPC and Section 6 of the POCSO Act registered at P.S. Aman Vihar. It is submitted that P.S Aman Vihar falls in North – West District. There is only one designated court for dealing with the matters relating to POSCO Act in North – West District. Petitioner has filed a bail application, but the same cannot be dealt with by the learned Additional Sessions Judge, Special Judge (POSCO Act), since the Judge is related to the petitioner's counsel. It is submitted that petitioner's counsel is not on talking terms with his relative and was not

even aware that she is dealing with the cases under the POCSO Act when he accepted the case. The matter was sent by the Special Judge to the learned District and Sessions Judge, North – West District for assigning the same to some other court. However, learned District and Sessions Judge, North – West District has noted in her order that the matter cannot be transferred to any other Judge, since there is only one Special Judge designated for dealing with POCSO Act cases. Learned counsel says that even challan has been filed.

This factual position has not been challenged by the learned APP. However, he submits that charge-sheet has already been filed.

Accordingly, bail application, and the main case of the petitioner titled State vs. Karan Kumar, arising out of the FIR No. 613/2017 under Section 376 IPC and Section 6 of the POCSO Act registered at P.S. Aman Vihar, is transferred to the Special Judge, POCSO Act, North- District. Petitioner to appear before the Special Judge, North District (POCSO Act) on 25<sup>th</sup> September, 2017.

Petition is disposed of in the above terms. Dasti.

**A.K. PATHAK, J.**

**SEPTEMBER 15, 2017**

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