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

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Judgment delivered on: 28.08.2018

+ CRL.M.C. 825/2018

M/S MORGAN SECURITIES & CREDIT PVT LTD Petitioner

versus

NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Rohit P. Raman with Ms. Shweta Sharma, Advocates.

For the Respondents: Mr. Vijay Kumar Aggarwal with Ms. Hemlata Kharayal and Mr. Shailesh Pandey, Advocates for R-2 & 3.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns order dated 27.09.2017, whereby, the Court of ACMM has directed that the complaint cases filed by the petitioner under Section 138 Negotiable Instrument Act be transferred to the Court of Metropolitan Magistrate, which is seized of the FIR No.103/2009 under Section 406 IPC Police Station Barakhamba Road. It is informed that the said FIR has been registered consequent to an order passed, in a complaint case filed by respondent No. 2, under Section 156(3) Cr.P.C.

2. Learned counsel for the petitioner submits that on account of the said transfer, the proceedings initiated by the petitioner under Section 138 Negotiable Instrument Act are getting delayed.

3. Learned counsel appearing for the respondent Nos.2 and 3 has raised a preliminary objection that as the petitioner is seeking transfer of his cases from one criminal court to another, the present petition would not be maintainable in terms of proviso to Section 407(2) of Cr.P.C.

4. In the facts of the present case, prima facie, I am not in agreement with the submission made by the learned counsel for the respondent. However, without getting into the controversy of whether the present petition is maintainable or not, since the complaint cases were filed as far back as in the year 2003 and the FIR, was registered in 2009 and the submission of both counsel is that proceedings be expedited, I deem it expedient to direct the Trial Court, which is seized of both the proceedings consequent to the impugned order dated 27.09.2017, to expeditiously dispose of the complaint cases filed by the petitioner under section 138 Negotiable Instruments Act and the case FIR No. 103/2009 registered on the complaint of the Respondent proceedings and pronounce judgment within a period of one year from the next date of hearing.

5. The petition is disposed in the above terms.

6. Order *Dasti* under signatures of Court Master.

SANJEEV SACHDEVA, J

AUGUST 28, 2018/st