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

+ **TR.P.(CRL.) 18/2019**

NAVEEN RAMANI & ORS.

..... Petitioners

Through: Mr. L. S. Solanki and Ms. Anu Solanki,
Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr. Rajat Katyal, APP for the State with ASI
Gian Chand, PS-CWC, New Delhi.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **28.03.2019**

Crl. M. A. No. 6552/2019 (Exemption)

Exemption allowed, subject to just exception.

Application stands disposed of.

TR.P.(CRL.) 18/2019 and Crl. M. A. No. 6553/2019 (Stay)

Present transfer petition has been filed under Section 407 of Code of Criminal Procedure seeking transfer of case FIR No. 40/2018 under Section 498A/406/34 of the Indian Penal Code registered at Police Station – Nanakpura, from Dwarka Courts to Sakets Court Complex.

Notice. Learned APP for the State accepts notice.

In order to decide the present petition seeking transfer from Dwarka Court to Saket Courts, it is relevant to place on record some administrative directions issued by High Court of Delhi from time to time.

Vide office order No. 5527/DHC/Gaz./G-1/2015 dated 06.10.2015, this Court while dealing with request of District & Sessions Judge for transfer of cases from one District to another District, Hon'ble the Chief Justice and Hon'ble Judges of this Court vide above office order dated 06.10.2015 were pleased to authorize the concerned District and Sessions Judges to consider the request for

transfer, upon recusal or for any other reason from one District to another. The office order dated 06.10.2015, reads as under:-

“No. 5527/DHC/Gaz./G-1/2015 Dated: 06.10.2015

Subject: Transmission of entire case record of GP No. 27/2015 titled as “Tushima Mashelkar nee Tushima Shali Vs. Amey Mashelkar”.

Sir,

I am directed to refer to your letter No. 6720/Judl./FC/DWK/2014 dated 06.08.2015, on the above subject, and to say that Hon’ble the Chief Justice and Judges of this Court have been pleased to transfer the case bearing GP No. 327/2015 titled as “Tushima Mashelkar nee Tushima Shali Vs. Amey Mashelkar pending in the court of Shri Deepak Jagotra, Principal Judge, Family Courts, South-East, Saket, New Delhi to the court of Ms. Poonam A. Bamba, Principal Judge, Family Courts, South, Saket, New Delhi.

The Hon’ble the Chief Justice and Hon’ble Judges of this Court have further been pleased to authorise you to consider request(s) for transfer of the case(s) from the Family Court Judges on their recusal to hear the cases and to assign the same to another Family Court in the same district or in the nearest district, as deemed fit.”

In supersession of Office Order No. 5527/DHC/Gaz./G-1/2015 dated 06.10.2015, another **Office Order No. 5325/DHC/Gaz./G-1/2017 dated 07.11.2017** was issued by this Court. Relevant portion of the same, reads as under:-

“No. 5325/DHC/Gaz./G-1/2017 Dated: 07.11.2017

Sir,

In supersession of earlier directions of this Court conveyed vide the Court’s letter No.

5527/DHC/Gaz./G-1/2015 dated 06.10.2015, I am directed to inform you that Hon'ble the Acting Chief Justice and Hon'ble Judges of this Court have been pleased to resolve that henceforth the request(s) received from District and Sessions Judges and Principal Judges, Family court for transfer of case from one District to another District, subordinate to this Court and competent to try or dispose of the same, upon recusal or for any other reason, shall be placed by the Registry by way of reference before the concerned Bench.

This is for your information and necessary compliance.”

Thus, while reconsidering the office order No. 5527/DHC/Gaz./G-1/2015 dated 06.10.2015, it was decided vide Office Order No. 5325/DHC/Gaz./G-1/2017 dated 07.11.2017, by the Hon'ble the Chief Justice and Hon'ble Judges of this Court that henceforth the request received from concerned District and Sessions Judges for transfer of cases from one District to another District shall be placed by way of reference before the concerned Bench.

The aforesaid directions issued by this Court vide Office Order No. 5325/DHC/Gaz./G-1/2017 dated 07.11.2017 were reiterated by this Court vide **Office Order No. 1326//DHC/Gaz./G-1/2018 dated 24.03.2018**, which reads as under:-

“No. 1326//DHC/Gaz./G-1/2018 Dated: 24.03.2018

Sub: Transfer of MCD Appeal No. 1/16 titled “Modi Apollo International vs. DDA & Others”.

Sir,

I am directed to refer to your letter No. 73/18 dated 17.03.2018, on the above subject, and to inform you that while considering your earlier letter dated 24.05.2017 for transfer of MCD Appeal No. 1/16 (wrongly mentioned as MCD No. 1/14) titled “Modi

Apollo International Vs. DDA &Ors.”, this Court has resolved that henceforth the request received from District and Sessions Judges and Principal Judges, Family Court for transfer of case from one District to another District, subordinate to the High Court and competent to try or dispose of the same, upon recusal or for any other reason, shall be placed by the Registry by way of reference before the concerned Bench for appropriate consideration and orders.

I am further directed to inform you that the above directions were also in respect of your request for transfer of MCD Appeal No. 1/16.

You are, therefore, requested to take appropriate steps accordingly.”

Keep in view the aforesaid office orders of this Court and the fact that the petitioner has not exhausted the remedy available to him, I am of the considered view that the present petition is liable to be dismissed.

Accordingly, the present petition along with pending application is dismissed with liberty to the petitioner to approach the appropriate Court.

SANGITA DHINGRA SEHGAL, J

MARCH 28, 2019

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