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

+ **TR.P.(CRL.) 22/2019**

KASHINATH JHUNJUNWALA & ORS.Petitioners

Through: Mr. Ashok Kumar Jain, Advocate.

Versus

STATE & Anr.Respondents

Through: Mr. Tarang Srivastava, APP for the
State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **03.04.2019**

CRL M. A. No. 7059/2019 (Exemption)

Exemption allowed, subject to just exception.

Application stands disposed of.

TR.P.(CRL.) 22/2019 and Crl. M. A. No. 7058/2019 (Stay)

The present petition has been filed under Section 407 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.PC') seeking transfer of the cases with a prayer that

“(a) Transfer the Criminal Revision bearing No. 26 of 2015 titled “Kashinath Jhunjunwala & Ors. Vs. Suman Chhabra” pending in the court of Shri Ajay Kumar Jain, Ld. ASJ-02, South District, Saket **AND** Criminal Revision bearing No. 784 of 2018 titled “Suman Chhabra Vs. State & Ors.” pending in the Court of Shri Suresh Kumar Gupta, Ld. ASJ-04, South East District, Saket, into one Court.”

Notice. Learned APP for the State accepts notice.

In order to decide the present petition seeking transfer of cases into one Court, 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 refusal 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 refusal 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.”

Keeping in view the aforesaid office orders of this Court, the present petition along with pending application is disposed of with liberty to the petitioner to approach the appropriate Court.

Copy of the order be given *dasti* under the signatures of Court Master, as prayed.

SANGITA DHINGRA SEHGAL, J.

APRIL 03, 2019

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