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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TR. P. (CRL.) 31/2017

ANJALI BHUCHAR

.....Petitioner

Through: Mr. Rajesh Chugh, Advocate with Mr.
Atul Bhuchar, Advocate.

Versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. G.M. Farooqui, APP for the State.
Mr. Harsh Raghuvanshi, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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01.09.2020

Crl. M.A. No.12011/2020 (for early hearing and transfer)

By this application, respondent No.2 prays for advancement of the date of hearing and allowing the transfer petition, thereby transferring Complaint Case No.4993091/2016 from the court of the learned Metropolitan Magistrate (MM), South-West, Dwarka Courts to the court of the learned Metropolitan Magistrate in Patiala House Courts, New Delhi who is seized of Complaint Case No.54906/2016.

2. Mr. Harsh Raghuvanshi, learned counsel for respondent No.2 submits that the transfer petition arises from a complaint under section 138 of the Negotiable Instruments Act 1881 ('NI Act' for short) that has been pending adjudication since July 2017; and that in view of the

long pendency of the petition, respondent No.2 has decided not to oppose the transfer so as to expedite adjudication of the complaint case.

3. Mr. Rajesh Chugh and Mr. Atul Bhuchar, learned counsel for the petitioner submit that they, of course, have no objection to the application being allowed. Counsel further point-out that under section 142A of the NI Act, subsequent complaints under section 138 of the NI Act against the same drawer are in any case required to be filed in the competent court having jurisdiction in which the first such complaint was filed.

4. For the record, counsel for the parties state that the next date in the complaint before the Dwarka Court is 18.09.2020 ; and that before the Patiala House Court is 18.12.2020.

5. Mr. G.M. Farooqui, learned APP for the State submits that the State has no role in the matter since it arises from a private complaint.

6. In view of the averments in the application, the submissions made and the fact that respondent No.2 has itself prayed to have the complaint transferred, it is directed that Complaint Case No.4993091/2016 titled ***M/s Karina Fincap Ltd. vs. Anjali Bhuchar*** be transferred from the court of learned MM, Dwarka Courts to the court of learned MM, Patiala House Courts, who is seized of the Complaint Case No.54906/2016 and connected matters. Let the records of the case be transferred within 02 weeks.

7. Application stands disposed of.

8. Other pending applications, if any, also stand disposed of.

Tr.P. (Crl.) 31/2017 and Crl. M.A. No.11961/2017 (stay)

9. In view of the order made above, nothing further survives in the transfer petition and stay application, which are accordingly disposed of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 01, 2020

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