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

+ **TR.P.(CRL.) 10/2024**

KLJ POLYMERS AND CHEMICALS LIMITED Petitioner

Through: **Mr. Surya Singh, Advocate.**

versus

B AND A BEST HEALTHCARE PRIVATE LIMITED & ORS.

..... Respondents

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.01.2024

CRL.M.A. 2404/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed under Section 482 Cr.P.C. read with Section 407 Cr.P.C. seeking transfer of CC/Ni Act/1496/2022 titled as '*M/S K.L.J. Polymers & Chemicals Ltd v. B & A Best Healthcare Pvt. Ltd. & Ors.*', pending adjudication in the Court of Shri Harjot Singh Aujla, learned Metropolitan Magistrate, Judge-In-Charge, New Delhi District, Patiala House Courts, New Delhi to the Court of Ms. Deepika Goyal Shokeen, learned M.M.-01 (Ni Act), Central District, Tis Hazari Courts, Delhi where CC/Ni Act/1817/2022 is currently pending.

4. It is stated in the petition that the Petitioner was engaged in the business of manufacturing PVC Compound and selling the same. On 02.02.2022, Petitioner filed the first Complaint Case under Section 138 of



the Negotiable Instruments Act, 1881 ('NI Act') as CC/NI Act/1817/2022 titled as '*M/s K.L.J. Polymers & Chemicals Ltd. v. B & A Best Healthcare Pvt. Ltd. & Ors.*' and the same is presently pending in the Central District, Tis Hazari Courts, Delhi.

5. On 02.02.2022 itself, an hour later at 9:30 p.m., Petitioner filed the second Complaint Case under Section 138 of NI Act which was numbered as CC/NI Act/1496/2022, titled as '*M/s K.L.J. Polymers & Chemicals Ltd v. B & A Best Healthcare Pvt. Ltd. & Ors.*' which is pending consideration before New Delhi District, Patiala House Courts, New Delhi. In the first Complaint, summons have been issued and the matter is coming up for hearing on 12.07.2024 while the second complaint is still at the stage of initial consideration.

6. Transfer is sought on the ground that both the complaints are under Section 138 read with Section 141 of NI Act against the same Respondents and arising out of the same transactions. Learned counsel relies on the provisions of Section 142A(3) of NI Act to contend that this Court is empowered under Section 407 Cr.P.C. to transfer the subsequent complaint, on a request made by the complainant. Moreover, if the complaints are clubbed and heard together, it will save precious judicial time and also avoid conflicting judgments.

7. Having heard learned counsel for the Petitioner, this Court is of the view that there is merit in contentions raised in the present petition. Section 142A(3) of the NI Act empowers this Court to transfer the complaint in the circumstances enumerated in the section, which reads as follows :-

"142A(3) If, on the date of the commencement of the Negotiable Instruments (Amendment) Act, 2015 (26 of 2015), more than one prosecution filed by the same payee or holder in due course, as the case may be, against the same



drawer of cheques is pending before different courts, upon the said fact having been brought to the notice of the court, such court shall transfer the case to the court having jurisdiction under sub-section (2) of section 142, as amended by the Negotiable Instruments (Amendment) Ordinance, 2015 (Ord. 6 of 2015), before which the first case was filed and is pending, as if that sub-section had been in force at all material times.”

8. The second complaint has its genesis in the same transaction as the first complaint and the parties are the same and therefore, it would be in the interest of justice as well as expeditious disposal of the case and will save judicial time if the two are tried together. Consequently, the second complaint being CC/Ni Act/1496/2022 titled as ‘*M/S K.L.J. Polymers & Chemicals Ltd & Ors. v. B & A Best Healthcare Pvt. Ltd. & Ors.*’ pending before learned M.M., Judge-in-Charge, New Delhi District, Patiala House Courts, New Delhi under Section 138 of NI Act is transferred to the Court of Ms. Deepika Goyal Shokeen, learned M.M.-01 (NI Act), Central District, Tis Hazari Courts, Delhi.
9. The matter will be listed before the learned District and Sessions Judge, Central District, Tis Hazari Courts, Delhi on 28.02.2024 for allocation and further proceedings. Petitioner shall appear before the Court on the said date. Copy of the order shall be sent to both the learned Trial Courts for information and necessary compliance.
10. Petition is disposed of accordingly.

JYOTI SINGH, J

JANUARY 24, 2024/pa/shivam