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

+ **TR.P.(CRL.) 15/2024**

RITESH MANRAL

..... Petitioner

Through: **Mr. Akash Mishra, Advocate.**

versus

ROHAN SINGH

..... Respondent

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.02.2024

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1. This matter has been placed before this Court pursuant to a communication dated 09.02.2024 from Sh. Umer Singh, Link-Officer-In-Charge, General Branch (C), District Judge (Commercial Court), Tis Hazari Courts, Delhi forwarding an order dated 02.02.2024 passed by Sh. Narottam Kaushal, learned Principal District & Sessions Judge (Central), Delhi, which reads as follows:-

“This is a complaint case received from the court of Ms. Katyayini Sharma Kandwal, MM-03, NX Act, Central, Tis Hazari Courts, Delhi through learned Chief Metropolitan Magistrate, Central, Tis Hazari Courts, Delhi vide order dated 01.02.2024 with an observation that the territorial jurisdiction to try the present case vests in North District of Delhi, which is not under the jurisdiction of that court.

It is informed that North District falls within the jurisdiction of learned Principal District & Sessions Judge, North District, Rohini Courts, Delhi. Since, this Court does not have power under Section 408 CrPC to transfer case from one district to other, let the present matter be placed before the Hon'ble High Court of Delhi, New Delhi for appropriate orders. Parties are directed to appear before the Registrar General, Hon'ble High Court of Delhi, New Delhi on 12.02.2024.



Ahlmad of the transferor court is directed to send the file to the Registrar General, Hon'ble High Court of Delhi, New Delhi immediately."

2. Record shows that a complaint case being CC No. 845/2024, titled '*Ritesh Manral v. Rohan Singh*' under Section 138 of the Negotiable Instruments Act, 1881, was pending in the Court of Ms. Katyayini Sharma Kandwal, learned M.M.-02, NI Act, Central District, Tis Hazari Courts, Delhi and after perusing the complaint documents, the learned Judge was of the view that the Court lacked the territorial jurisdiction to entertain the complaint as the cheque in question was presented by the complainant in the Adarsh Nagar Branch of ICICI Bank. Complainant also admitted that the complaint was inadvertently filed in the Central District whereas the jurisdiction would lie with the North District as per provisions of Section 142(2)(a) of the NI Act. On account of lack of territorial jurisdiction, the learned M.M. directed that the matter be placed before the learned C.M.M. for consideration.

3. On 01.02.2024, the learned C.M.M. directed the matter to be placed before the learned Principal and District Sessions Judge for appropriate orders in view of the order dated 29.01.2024 passed by the learned M.M. This led to the passing of the order dated 02.02.2024, as aforementioned.

4. This Court has examined the issue and perused the records. In view of the order passed by the learned M.M. on 29.01.2024 recording the submission of the complainant that he had inadvertently filed the complaint in the Central District, as also the admitted fact that the complainant's bank account in the ICICI Bank falls within the jurisdiction of North District of Delhi, complaint being CC No. 845/2024, titled '*Ritesh Manral v. Rohan Singh*' is transferred to North District, Rohini Courts, Delhi.



5. Matter will be listed before learned Principal and District and Sessions Judge, North District, Rohini Courts Delhi on 20.03.2024, with advance intimation to the parties, for appropriate orders and further allocation.

JYOTI SINGH, J

FEBRUARY 16, 2024/shivam