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

+ **TR.P.(CRL.) 19/2024**

ASHOK MITTAL

.....Petitioner

Through: **Mr.Yatharth and Mr.Nihal Singh
Shekhawat, Advts.**

versus

ANUPAM V JOSHI

.....Respondent

Through: **Mr.Mukesh Aggarwal, Adv**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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Present petition has been filed for transfer of complaint case No.5847/2020 titled as *Ashok Mittal vs. Anupam V.Joshi* registered under Section 138 read with section 142 of N.I. Act pending before the learned MM-05 (N.I.Act), Central District, Tis Hazari Court, Delhi to the court of competent jurisdiction at New Delhi District, Patiala House Court, New Delhi.

Learned counsel for the petitioner submits that inadvertently the complaint was filed within the jurisdiction of PS Darya Ganj whereas the correct jurisdiction was before PS Bara Khamba Road. Learned counsel submits that complaint case is at the initial stage and therefore the case may be transferred.

Learned counsel for the respondent submits that as per para 9 of the complaint, the petitioner had filed the complaint knowing and being fully aware of the fact that the jurisdiction lies in PS Bara Khamba Road. Learned counsel for the respondent submits that he had pointed out this error



by filing an application before the learned trial court and only thereafter the present petition has been filed.

Section 407 Cr.P.C. confers jurisdiction upon this court to transfer a matter in the following circumstances:

1. that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or
2. that some question of law of unusual difficulty is likely to arise; or
3. that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice.

The case of the petitioner is that inadvertently, the complaint case was filed within the jurisdiction of Daryaganj whereas the correct jurisdiction is Bara Khamba Road. The case is at the initial stage. The endeavour of the court should be to get the matter adjudicated on merits and it would be in the interest of justice that the Complaint case no. No.5847/2020 titled as *Ashok Mittal vs. Anupam V.Joshi* registered under Section 138 read with section 142 of N.I. Act is transferred from the court of the learned MM-05 (N.I.Act), Central District, Tis Hazari Court, Delhi to the court of competent jurisdiction at New Delhi District, Patiala House Court, New Delhi.

The parties are directed to appear before the learned Principal District and Sessions Judge, Patiala House Court, New Delhi on 27.08.2024. The transferee court is directed to send the complete record to the transferor court.

The petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024/rb/ht...