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

+ **TR.P.(CRL.) 21/2024**

STATE

..... Petitioner

Through: **Mr. Yudhvair Singh Chauhan, APP for State.**

versus

JOHN KHADKA ALIAS

DHAN BHANDKAR KHADKA AND ORS.

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

07.03.2024

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1. This matter has been placed before the Court pursuant to a communication dated 21.02.2024 received from Sh. Praveen Kumar, learned Principal District and Sessions Judge, South West, Dwarka Courts, New Delhi, premised on an order passed on 13.02.2024, which reads as follows:-

"Present file had been received from the court of Ms. Manika, Ld. ASJ (FTC), South-West in terms of order dated 31.01.2024 observing therein that her court has no jurisdiction to try this case as while the FIR was registered at Crime Branch, the place of offence is Sagarpur Delhi, therefore, the case falls within the jurisdiction of PS Sagarpur, which falls under New Delhi District.

I have perused the order dated 31.01.2024 passed by the Ld. ASJ (FTC), South-West.

It is pertinent to mention that vide order No.06/DHC/Gaz./G-3/Vl.E.2(a) 2013 as well as order no.05/DHC/Gaz./G-1/Vl.E.2(a) 2013 both dated 19.02.2013 of the Hon'ble High Court of Delhi, the cases pertaining to PS Sagarpur were ordered to be transferred to New Delhi District and consequently, all the cases pertaining to PS Sagarpur were transferred accordingly. However, due to oversight, the present case could not be transferred at that time and during the pendency of the matter, it was



learnt by the trial court that it ought to be sent to New Delhi District and, therefore file has been forwarded to this court for passing further orders.

Since a considerable period of time has elapsed since the year 2013, therefore, file cannot be now sent directly to the New Delhi District. Thus, in view of the fact that this court has no power to transfer the cases to other district, reference is drawn and the matter may be accordingly sent to Hon'ble High Court of Delhi so that the reference is registered as Transfer Petition and is placed before the concerned Hon 'ble Bench for necessary directions in the matter.

Accused John Khadka, Purnima Adhikari and Ramphal to appear before the Ld. Registrar General, High Court of Delhi."

2. It emerges from reading of the aforesaid order that vide order No.06/DHC/Gaz./G-3/V1.E.2(a) 2013 as well as order no.05/DHC/Gaz./G-1/V1.E.2(a) 2013, both dated 19.02.2013, this Court had directed transfer of cases pertaining to PS Sagarpur to New Delhi District and consequently, all the cases pertaining to PS Sagarpur were transferred accordingly. However, due to oversight, the present case could not be transferred at that time and therefore file has been forwarded to this court for passing further orders.
3. Considering the fact that Ms. Manika, learned ASJ (FTC), South West, has no jurisdiction to try the case as the offence is allegedly committed in Sagarpur, Delhi, which falls under New Delhi District and keeping in view the two orders passed by this Court on 19.02.2013, the present case bearing SC No.65/2017 in case FIR No.167/2016 PS: Crime Branch, titled '*State v. John Khadka @ Dhan Bhadhar Khadka & Ors.*' is transferred to New Delhi District, Patiala House Courts, to be listed before the concerned Additional Sessions Judge having jurisdiction in the matter.
4. Accordingly, the matter will be listed before learned Principal District and Sessions Judge, Patiala House Courts, New Delhi, with advance intimation to the parties.



5. Copies of the order shall be sent to learned Principal District and Sessions Judge, Patiala House Courts, New Delhi and learned Principal District and Sessions Judge, South West, Dwarka Courts, New Delhi, for information and compliance.

JYOTI SINGH, J

MARCH 07, 2024

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