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

+ **TR.P.(CRL.) 39/2024**

DAYA RAM BADALIA

..... Petitioner

Through: None.

versus

**HARSHWARDHAN IPS (DCP DWARKA)
AND ORS.**

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.04.2024

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1. This petition is listed before Court pursuant to receipt of original judicial file along with letter dated 22.03.2024 from Sh. Ajay Singh Shekhawat, Additional Sessions Judge-02, South West, Dwarka Courts, New Delhi forwarded under letter dated 23.03.2024 by Sh. Praveen Kumar, learned Principal District & Sessions Judge, South West District, Dwarka Courts, New Delhi in regard to transfer of contempt petition bearing Misc./DJ/ASJ No. 177/2023, PS: BHD Nagar under Sections 2(c) and 12 of Contempt of Courts Act, 1971 read with Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC & ST Act') titled *Daya Ram Badalia v. Harshwardhan IPS & Ors.*

2. On 11.03.2024, learned ASJ-02, South West, Dwarka Courts, New Delhi, had passed the following order:-

“ ...

It has been brought to the notice of the court that both the aforesaid cases i.e. State Vs. Sushila bearing FIR No. 168/2017, RS BHD Nagar and SC No. 614/2019, FIR No. 261/2019, P.S Baba Haridas Nagar titled State Vs.



Vikas Yadav & Ors were transferred from this court vide order dated 07.12.2022 and is pending before the court of Sh. Devender Jangala, Ld. ASJ, Patiala House Court, New Delhi. Both the parties submit that they do not have any objection if the present petition be also transferred to the said court.

In view of the aforesaid submissions, let the present petition be put up before Ld. Principal District & Session. South- West District, Dwarka Courts, New Delhi on 18.03.2024 at 2:00 P.M, with request to pass appropriate orders.

Both the parties are directed to appear before Ld. Principal District & Session. South-West District, Dwarka Courts, New Delhi on 18.03.2024 at 2:00 P.M.

Ahlmad is directed to send the application to the office Ld. Principal District & Session. South-West District, Dwarka Courts, New Delhi, immediately.”

3. On 18.03.2024, learned Principal District & Sessions Judge passed the following order :-

“

I have seen the observations made by Sh. Ajay Singh Shekhawat, Ld. ASJ-02, South-West, Dwarka Courts, New Delhi in his order dated 11.03.2024.

Ld. ASJ has sent the present contempt petition to this court for transferring the same to the court of Devender Jangala, Ld. ASJ, Patiala House Court, New Delhi where two cases i.e. 'State Vs. Sushila' bearing FIR No. 168/2017, PS BHD Nagar, and SC No. 614/2019, FIR No. 261/2019, PS Baba Haridas Nagar, titled 'State Vs. Vikas Yadav & Ors. with respect to which the present contempt application has been filed are pending.

It is pertinent to mention that these two cases were received by the Ld. Predecessor of this court as the Ld. Presiding officer had recused himself from hearing these matters. Since there was no other court dealing with SC/ST matters in the South-West District, the above matters were sent to Hon'ble High court of Delhi so that the same could be registered as Transfer Petition and placed before the concerned Bench for necessary directions.

I have also perused order dated 19.12.2022, copy of which has been downloaded from the website of the Hon'ble High Court, passed by Hon'ble Mr. Justice Anish Dayal in transfer petition (Crl) 97/2022 and Transfer Petition (Crl) 98/2022, vide which these cases were transferred to Patiala House Courts, New Delhi District.



In view of above, the present petition is also required to be sent to the same court. However, since 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.

Parties to appear before the Ld. Registrar General, High Court of Delhi on 04.04.2024.....”

4. Conjoint reading of the aforesaid two orders shows that the present contempt petition was filed by the Petitioner alleging non-compliance of two orders: (a) order dated 27.04.2019 in *State v. Sushila* in case FIR No. 168/2017 PS: BHD Nagar; and (b) order dated 07.12.2022 in SC No. 614/2019 titled *State v. Vikas Yadav & Ors.* in case FIR No. 261/2019, PS: BHD Nagar. Both these cases were transferred to the Court of learned Additional Sessions Judge, Patiala House Courts and are pending. On 11.03.2024, both parties had given their no objection before the Court of Sh. Shekhawat, ASJ-02, Dwarka Courts to the transfer of this contempt petition to the Court where the aforementioned two cases are pending.

5. Accordingly, this contempt petition bearing Misc./DJ/ASJ No. 177/2023, PS: BHD Nagar filed under Sections 2(c) and 12 of The Contempt of Courts Act, 1971 read with Section 4 of SC & ST Act, titled *Daya Ram Badalia v. Harshwardhan IPS & Ors.*, is transferred from the Court of Sh. Ajay Singh Shekhawat, Additional Sessions Judge-02, South West, Dwarka Courts, New Delhi to Patiala House Courts, New Delhi District, where it will be listed before the learned Principal District & Sessions Judge on 02.07.2024 for appropriate orders, with advance intimation to the parties.



6. Copy of the order be sent to both the Courts for information and necessary compliance. Judicial file will be sent to the concerned Court for further proceedings.

APRIL 23, 2024/shivam

JYOTI SINGH, J