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

+ **TR.P.(CRL.) 43/2024**

STATE

..... Petitioner

Through: Ms. Richa Dhawan, APP for the
State.

versus

UNTRACED

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

07.05.2024

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1. This matter has been listed before this Court pursuant to a communication received from the

2. On 27.03.2024, learned CMM, Shahdara, Karkardooma Courts, Delhi had passed the following order :-

“Reply on protest petition also filed by the IP. It is submitted that initially the investigation of the case was conducted by the police official of PS Anand Vihar. Thereafter, the investigation of the present case and other relevant cases i.e. FIR No. 04/18 PS Greater Kailash and FIR No.30/18, PS Hazrat Nizamuddin was transferred to Special Cell and Special Cell conducted the thorough investigation in the present case, however, no clue was found against the alleged accused persons. Thereafter, on 02.11.2019, all the cases were transferred to Crime Branch and during investigation, further efforts were made to find clue against the accused persons, however, no clue was found. Thereafter, on 14.12.2023, the Hon 'ble High Court of Delhi ordered to transfer the investigation of the present case to CBI and the investigation is being conducted by the CBI.

Complainant concedes the report of the IO.

Since further investigation is already being undertaken by the CBI by the Hon 'ble High Court of Delhi in the present case, no further direction is required on protest petition. Accordingly, protest petition stands disposed of.

Keeping in view the fact that the investigation of the present matter has been handed over to CBI, the case shall be taken further by concerned CMM/ACMM, Rouse Avenue Courts, as they have special

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jurisdiction pertaining to CBI matters. In view of the same, let the present file be put up before Ld. Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi, for further orders.....”

3. Subsequently, matter was listed on 08.04.2024 before the learned Principal District and Sessions Judge, Karkardooma Court where the following order was passed:-

"File received in pursuance to the order dated 27.03.2024, passed by Ms. Vidhi Gupta Anand, Ld. CMM, Shahdara District, KKD Courts, Delhi, for passing further orders with respect to transfer of the present matter to the court of Ld. CMM/ACMM, Rouse Avenue Courts, as investigation of the present matter is conducted by CBI and the said court has special jurisdiction pertaining to CBI matters. Order perused. Since, I am not having powers of inter-district transfer of cases, hence, the matter be placed before Ld. Registrar General, High Court of Delhi, New Delhi with the request to do the needful"

4. Since the matter pertains to an investigation conducted by the CBI, the matter is required to be transferred to the courts of the learned ACMM/CMM, Rouse Avenue Courts, having special jurisdiction on matters pertaining to CBI.

5. In view of the aforesaid, CR Case No. 396/2023, titled ‘State v. Untraced’, FIR No. 15/2018, PS: Crime Branch is transferred to Rouse Avenue Courts, Delhi where it shall be listed before the learned CMM on 20.05.2024 for further orders, with advance notice to the parties.

6. Petition stands disposed of.

JYOTI SINGH, J

MAY 07, 2024/shivam

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