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

+ **TR.P.(CRL.) 118/2023 & CRL.M.A. 24738/2023**

MS. S

..... Petitioner

Through: **Mr. Nikhil Tuteja, Advocate.**

versus

STATE & ORS.

..... Respondents

Through: **Ms. Shubhi Gupta, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.01.2024

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1. This is a transfer petition filed on behalf of the Petitioner under Section 407 Cr.P.C. seeking transfer of trial in case FIR No. 306/2020 dated 18.10.2020 registered at PS: Anand Parbat, under Sections 323/341/354/506/509/34 IPC (Section 376 IPC was added in the Charge Sheet) pending in the Court of Ms. Aanchal, learned Additional Sessions Judge, West, Tis Hazari Courts, Delhi to the Court of Sh. Amit Bansal, learned Additional Sessions Judge, West, Tis Hazari Courts, Delhi, where trial in case FIR No. 305/2020 dated 18.10.2020 under Sections 323/354/354 (B)/506/509/34 IPC and Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012 registered at PS: Anand Parbat is pending.

2. Learned APP, at the outset, draws the attention of the Court to the fact that Petitioner had earlier approached the learned Principal District and Sessions Judge, District West, Tis Hazari Courts, for transfer of the case, as now sought but the petition was dismissed vide order dated 06.01.2023. This order was challenged in this Court in TR.P. (CRL) No. 86/2023, but the



petition was withdrawn on 19.07.2023 without any liberty being sought and/or granted by the Court to file a transfer petition afresh.

3. This Court finds merit in the objection raised by the learned APP for the State. It is an admitted fact that even earlier Petitioner had sought a similar relief but was unsuccessful. Order dated 19.07.2023 indicates that the transfer petition was withdrawn without reserving any rights or seeking liberty to seek the same relief again. Even otherwise, this Court finds no reason to transfer the case pertaining to FIR No. 306/2020 to the Court trying the case FIR No. 305/2020 as the incidents are different and relate to different dates, time and place as well as offences involved. FIR No.305/2020 is registered under Section 10 of the POCSO Act, which is exclusively triable by the designated Court of POCSO while FIR No.306/2020 is under Section 376 IPC triable by the Court of Sessions. Moreover, these are not cross-cases and decision on one has no impact or bearing on the other.

4. No ground for transfer is made out and the transfer petition is accordingly dismissed being without merit. Pending application is also disposed of.

JYOTI SINGH, J

JANUARY 22, 2024/shivam