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

+ TR.P.(CRL.) 61/2024

STATE THROUGH CENTRAL BUREAU OF INVESTIGATION

.....Petitioner

versus

SURENDRA KUMAR NAIK

.....Respondent

+ TR.P.(CRL.) 62/2024

STATE THROUGH CENTRAL BUREAU OF INVESTIGATION

.....Petitioner

versus

AFTAB ALI

.....Respondent

+ TR.P.(CRL.) 63/2024

STATE THROUGH C.B.I.

.....Petitioner

versus

ASAD RABBANI

.....Respondent

+ TR.P.(CRL.) 64/2024

STATE

.....Petitioner

versus

SIRTAJ ALI

.....Respondent

+ TR.P.(CRL.) 66/2024

STATE THROUGH CENTRAL BUREAU OF INVESTIGATION

.....Petitioner

versus



NITIN BAISOYA

.....Respondent

Present: Mr.Ripu Daman Bhardwaj, SPP for CBI with Mr.Kushagra Kumar, Mr.Abhinav Bhardwaj, Advts. and Mr.Rajpal Singh (IO)

**CORAM:**  
**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**  
**08.07.2024**

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1. Present petitions have been filed by the CBI for transfer of the matters from the court of learned Additional Sessions Judge-06/Spl. Judge (POCSO), East Delhi to the court of the Special Judge, CBI at the Rouse Avenue Court.
2. Learned Special PP for CBI states that earlier there was no notification of the learned Special Judge for dealing with the POCSO cases. Learned Special PP submits that however now the High Court has constituted two special courts at Rouse Avenue to deal with the cases filed by the CBI relating to trial of offence against children under Section 28 of the POCSO Act.
3. Learned Registrar General vide proceedings dated 30.05.2024 has directed the matters to be listed before this Court. The proceedings dated 30.05.2024 are as under:

*S.C.No.65/2022*

*RC No.DAI-2021-A-0039*

*30.05.2024*

*No.65/2022 PS ACB/CBI, New Delhi CBI vs. Surendra Kumar Naik*

*Present: None*

*The file has been received from Dispatch branch (file sheet*



No.268 dated 30.05.2024) alongwith letter dated 29.05.2024 of Ms. Colette Rashmi Kujur, ASJ-06/Spl. Judge, POCSO Act, East District, Karkardooma Courts, Delhi duly forwarded vide No.9102/Genl.Br./East/KKD/Delhi dated 30.05.2024 by learned Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi and judicial file of SC No.65/2022 titled CBI vs. Surendra Kumar Naik.

Vide order dated 28.05.2024 Ms. Colette Rashmi Kujur, ASJ-06/Spl. Judge, POCSO Act, East District, Karkardooma Courts, Delhi has passed the following order:-

"An application has been filed by IO Dy. SP Raj Pal Singh seeking transfer of present matter to Rouse Avenue Court Complex for further trial in view of the notification of the Delhi gazette regarding the constitution of two special Courts, to deal with cases filed by CBI relating to trial of offence against children, u/s 28 of POCSO 2012.

The 10 has filed copy of Delhi High Court circular informing the website committee Tis Hazari Courts regarding the same alongwith Delhi gazette bearing no.F.61(1994)/POCSO Court Notification/DP(CPU)/DWCD/2023- 24/15641-74 dt. 26/12/2023 by the Govt. of NCT of Delhi.

Accordingly, let the present file be put up before the Ld. Principal District & Sessions Judge (East) District, KKD Courts, Delhi for appropriate order and directions....."

Subsequently, thereafter vide order dated 29.05.2024, Id. Principal District & Sessions Judge, East District, KKD Courts, Delhi has passed the following order:-

"Order dated 28.05.2024 passed by Ms. Colette Rashmi Kujur, Ld. ASJ, Est perused

Keeping in view the observations made in the order that matter has to be transferred to the Special Court at Rouse Avenue Courts for trial of POCSO cases being investigated by CBI. Let the file be placed before Worthy Registrar General, High Court of Delhi for appropriate directions in this case.

Parties to appear before Worthy Registrar General, Hon'ble High Court of Delhi....."

In this regard, it is submitted that vide minutes dated 15.04.2019 of



*the Hon'ble Administrative and General Supervision Committee, it is resolved as under:-*

*"The resolution dated 16.01.2017 of this Committee has been reconsidered. It has been resolved to substitute the word "reference" with "transfer petition" in the said resolution.*

*Therefore, henceforth, the request received from District & Sessions Judges and Principal Judges, Family Courts for transfer of case from one District to another District, subordinate to the High Court and competent to try or dispose of the same, upon recusal or for any other reason, shall be placed by the Registry by way of transfer petition before the concerned Bench for appropriate consideration and orders."*

4. In view of the above, the file was forwarded to Registrar (Listing) for being listed before the concerned Hon'ble Bench.
5. The registry was also directed to inform learned counsel for the parties about the date on which the matter is eventually listed for hearing before Hon'ble Court.
6. The following cases are required to be transferred:

| Item No. | Case no./title                                | R.C.No.            | S.C.No.        |
|----------|-----------------------------------------------|--------------------|----------------|
| 112      | TR.P.(CRL.) 61/2024<br>CBI vs. SURENDRA KUMAR | RC-DAI-2021-A-0039 | S.C.No.65/2024 |
| 113      | TR.P.(CRL.) 62/2024<br>CBI vs. AFTAB ALI      | RC-DAI-2021-A-0040 | S.C.No.9/2024  |
| 114      | TR.P.(CRL.) 63/2024<br>CBI vs. ASAD RABBANI   | RC-DAI-2021-A-0040 | S.C.No.10/2024 |
| 115      | TR.P.(CRL.) 64/2024<br>CBI vs. SIRTAJ ALI     | RC-DAI-2021-A-0040 | S.C.No.11/2024 |



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|-----|-------------------------------------------------|------------------------|---------------|
| 116 | TR.P.(CRL.) 65/2024<br>CBI vs.<br>NITIN BAISOYA | RC-DAI-2021-<br>A-0040 | S.C.No.8/2024 |
|-----|-------------------------------------------------|------------------------|---------------|

7. In view of the proceedings dated 30.05.2024, the aforementioned cases are transferred to the competent court at Rouse Avenue.
8. Parties are directed to appear before the Learned Principal District and Sessions Judge, Rouse Avenue on 31.07.2024. Learned Principal District and Sessions Judge, Rouse Avenue shall assign the cases to the competent court for trial in accordance with the law.
9. The petitions stand disposed of.

**DINESH KUMAR SHARMA, J**

**JULY 8, 2024**  
rb/sj..