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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(CRL.) 65/2024**
ROHIT SINGH MAHIYARIAPetitioner
Through: Mr. Dinesh Tiwari, Advocate

versus

BHANWAR JITENDRA SINGHRespondent
Through: Ms.Rupali Bandhopadhyaya, ASC for
State with Mr.Abhijeet Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.12.2024**

1. The present case is listed on account of a communication dated 01.07.2024 received from learned Principal District & Sessions Judge, Patiala House Courts, New Delhi in connection with the Complaint Case No.19182/2019.
2. Vide the aforesaid communication, learned Principal District & Sessions Judge has noted that in the aforesaid Complaint Case, the proposed accused was a sitting Member of Parliament at the time of commission of the offence. The Complaint Case was pending before learned JM-06, Patiala House Courts, New Delhi and the designated MP/MLAs Court is at Rouse Avenue Courts. The communication further records that the power of Inter-District transfer of the cases is vested in this Court.
3. Learned counsel for the complainant/petitioner submits that summons in the complaint has not issued as the complaint was at the stage of pre-summoning evidence.



4. Ms.Rupali Bandhopadhyaya, learned ASC for State, who was requested to look into the issue, also supports the position that all cases involving sitting and former MP/MLAs are to be heard before the designated MP/MLA Court. In support, she has also handed over brief submissions accompanied by the decisions passed by the Supreme Court, Co-ordinate Benches of this Court as well as Andhra Pradesh High Court and Manipur Court. The same are as under:-

(i) Ashwini Kumar Upadhyay v. Union of India & Anr. in **W.P.(C) 699/2016**,

(ii) Manjinder Singh Sirsa v. State of NCT of Delhi and Anr. in **CRL.M.C. 9128/2023**,

(iii) Kolusu Partha Sarathy v. State of A.P. reported as 2021 SCC OnLine AP 4466.

(iv) Yengkhom Surchandra Singh v. Mayanglambam Rameshwor Singh reported as **2024 SCC OnLine Mani 32**.

5. This Court also takes note of another decision passed by a Coordinate Bench of this Court in State v. Rambir Shokeen in **TR.P.(CRL.) 93/2022** as well as of this Court in State (Govt. of NCT) of Delhi vs. Ritik @ Peter & Ors. in **TR.P.(CRL.) 115/2024**.

6. A perusal of the order dated 29.05.2024 passed by the learned J.M., Patiala House Courts indicates that the proposed accused was sitting MP at the time of the commission of the alleged offences.

7. Considering the import of the aforesaid decisions and the status of the proposed accused recorded in the aforesaid order, the matter is directed to be listed before the Principal District & Sessions Judge, Rouse Avenue Courts, on 09.01.2025, who shall allocate the subject complaint to the appropriate



court.

8. In view of the above, the present petition is disposed of.

DASTI.

MANOJ KUMAR OHRI, J

DECEMBER 19, 2024

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