



\$~92

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

+ **TR.P.(CRL.) 16/2024**

RAJESH KUMAR

..... Petitioner

Through: Mr. Zishaan Iskandari, Mr. Madhur Mittal and Ms. Sayema Mubin, Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for State.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

19.02.2024

CRL.M.A. 5199/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 5200/2024 (delay in re-filing)

3. This is an application filed on behalf of the Petitioner seeking condonation of delay of 14 days in re-filing the present petition.
4. For the reasons stated in the application, the same is allowed and the delay of 14 days in re-filing the petition is condoned.
5. Application stands disposed of.

TR.P.(CRL.) 16/2024 and CRL.M.A. 5198/2024 (stay)

6. This transfer petition has been filed on behalf of the Petitioner under Section 407 Cr.P.C. for transfer of Complaint Case being CC NI Act 6456/2023 titled '*Rajesh Kumar v. Shyam Singh*' pending before the learned M.M.-01, South District, NI Act, Saket Courts, New Delhi to a Competent Court of South East District, Saket Courts, New Delhi on the ground that the

TR.P.(CRL.) 16/2024

page 1 of 2



drawer bank of the Petitioner/Complainant is UCO Bank located in Defence Colony, which falls within the jurisdiction of the South East District.

7. Issue notice.

8. Learned APP accepts notice on behalf of the State and submits that he has no objection to the complaint case being transferred, as the Court before which it is filed lacks the jurisdiction to try the said complaint.

9. The Supreme Court in ***Ramesh and Others v. State of T.N., (2005) 3 SCC 507*** has held that the High Court has a power to transfer complaint from one District to another if the Court before which the complaint is filed lacks the territorial jurisdiction.

10. Accordingly, for the reasons stated in the petition and in view of the judgment of the Supreme Court in ***Ramesh and Others (supra)***, Complaint Case being CC NI Act 6456/2023 titled '*Rajesh Kumar v. Shyam Singh*' pending before the learned M.M.-01, South District, NI Act, Saket Courts, New Delhi is transferred to the Competent Court in South East District, Saket Courts, New Delhi.

11. Matter be listed before the learned Principal District and Sessions Judge, South East District, Saket Courts, New Delhi on 06.03.2024 for allocation and further proceedings, with advance intimation to the parties.

12. Petition is allowed and disposed of. Pending application also stands disposed of.

13. Copy of the order shall be sent to both the learned Trial Courts for information and necessary compliance.

JYOTI SINGH, J

FEBRUARY 19, 2024/shivam

TR.P.(CRL.) 16/2024

page 2 of 2