



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3179/2024 CRL.M.A. 30774/2024**
S.M.MATLOOBPetitioner

Through: Petitioner in-person.

versus

THE STATE (GOVT OF NCT OF DELHI)Respondent
Through: Mr. Yasir Rauf Ansari, ASC for the
State with Mr. Alok Sharma and Mr.
Vasu Agarwal, Advs. with SI Nitin,
PS Jaima Nagar.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
14.10.2024

%

1. This petition has been filed for setting aside order dated 10th September, 2024 passed by the Chief Judicial Magistrate dismissing the transfer petition filed by the petitioner. Petitioner, who appears in person, states that he has not been given a fair opportunity by the Trial Court in the proceedings where he is arrayed as an accused. The proceedings in question relate to FIR No.157/2017 PS Jamia Nagar under Sections 506/509 IPC.
2. Petitioner contends that the matter has been unnecessarily prolonged for several years, originating in the year 2000 when a stay order was passed to restrain illegal construction. Despite the said order, unauthorised construction activities resumed in 2017, leading to continued harassment, including physical assaults and legal proceedings against the petitioner. It is further alleged that these actions were facilitated by the connivance of law



enforcement authorities. The petitioner asserts that he has endured significant emotional and mental distress owing to the situation, which has persisted for over two decades despite various legal interventions.

3. This Court has perused the impugned order and notes that the Chief Judicial Magistrate has adequately perused the facts of the matter. It is further observed that the perusal of the record shows that successive applications have been filed by petitioner seeking a stay on proceedings of the trial, which have been dismissed earlier. It is also noted that the Trial Court has not only accommodated the complainant but has also accommodated the petitioner on several dates, as evident from the orders which have been noted in the said petition. *Inter alia*, on this basis, the transfer petition was dismissed.

4. Further, the ASC for the State also points out to order of ASJ dated 05th June, 2024 in the Revision Petition filed by the petitioner where it was stated that the cross-examination of the prosecutrix was going on. The Trial Court had observed on 02nd March, 2024 and 30th April, 2024 that the petitioner was interested in delaying the trial and not cross-examining.

5. In these circumstances, the petition is disposed of with the directions that the said trial in which only four witnesses are left to be examined may be proceeded expeditiously and concluded within a period of six months.

6. Petition is disposed of with the aforesaid directions. Pending applications, if any, are also disposed of as being rendered infructuous.

7. Order be communicated to the Trial Court concerned.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 14, 2024/MK/tk