



\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(CRL.) 109/2024, CRL.M.A. 36105/2024**
M/S AMIT PACKERSPetitioner
Through: Counsel (appearance not given).

versus

STATE BANK OF INDIA & ORS.Respondents
Through: Mr. Mukesh Kumar, APP for State.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
% **02.12.2024**

CRL.M.A. 36106/2024

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

TR.P.(CRL.) 109/2024, CRL.M.A. 36105/2024

1. The present petition has been filed under Section 447 of BNSS, 2023 (407 of Cr.P.C.) seeking transfer of Complaint Case No. 1092/2019 titled as '*M/s Amit Packers vs. State Bank of India & Ors.*', pending before learned Judicial Magistrate, First Class-04, West, Tis Hazari Courts, Delhi to the Court of learned Judicial Magistrate First Class, North, Rohini Courts, Delhi.
2. Learned counsel for the petitioner submits that the criminal complaint No. 1092/2019 was filed by the present petitioner and the same is at the stage of pre-summoning evidence. Learned counsel submits that in the meanwhile, the respondents lodged a false and frivolous FIR No.829/2022



against the petitioner, which is pending consideration before learned Judicial Magistrate First Class, North, Rohini Courts, Delhi. Learned counsel submits that in order to avoid any inconsistency and in view of the fact that both the cases pertain to the same subject matter, the complaint case filed by the petitioner may be transferred.

3. Issue notice.
4. Learned APP has accepted the notice.
5. Since the complainant is seeking transfer of the complaint case filed by him in which the respondents have not been summoned, the Court considers that it would be in the interest of justice that complaint case no. 1092/2019 titled as '*M/s Amit Packers vs. State Bank of India & Ors.*' is transferred to the Court of, learned Judicial Magistrate First Class, North, Rohini Courts, Delhi.
6. The transferor Court is directed to send the entire record to the transferee Court.
7. Petitioner is directed to appear before learned Principal District & Sessions Judge, North, Rohini Courts on 16.12.2024.

DINESH KUMAR SHARMA, J

DECEMBER 2, 2024/akc/kr