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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(CRL.) 10/2025 & CRL.M.A. 2549/2025, CRL.M.A. 2550/2025
RAM KISHANPetitioner

Through: None.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ORS.....
Respondents
Through: Mr. Amit Ahlawat, APP.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.01.2025**

1. The present petition filed under Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 407 of Criminal Procedure Code, 1973²), impugns the order dated 09th May, 2024³, passed by the Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi⁴ in T.P. CrI. No. 20/2024, titled as “*Ram Kishan v. State*”.
2. Against the Petitioner, an FIR bearing No.399/2015, dated 27th June, 2015, has been filed under Sections 509 and 506 of the Indian Penal Code, 1860⁵, at P.S. Mayur Vihar Phase-I. The Petitioner’s request for transferring the said case FIR, from the Court of the Metropolitan Magistrate to the Court of Special Judge, under the Scheduled Castes and Scheduled Tribes

¹ “BNSS”

² “CrPC”

³ “the impugned order”

⁴ “the Trial Court”

⁵ “IPC”



(Prevention of Atrocities) Act, 1989⁶, has been declined.

3. The reasoning given in the impugned order, for declining the transfer request, is as follows:

“By way of present application, the applicant has sought transfer of case FIR No. 399/15 PS Mayur Vihar from the Court of Ms. Shehzadi Halima Sadiya, Ld. M.M to the Court of Sh. Alok Shukla, where two cases under S.C./S.T. Act are pending in which the complainant and his daughter are complainants.

It is submitted that all the three FIRs were registered on the same day, parties in all the three cases are same, hence, case FIR No. 399/15 PS Mayur Vihar may also be transferred to the Court where other two matters are pending.

Considered submissions made by Ld. Counsel for the applicant.

The case FIR No. 399/15 of which transfer has been sought is under Sections 509/506 IPC and pertains to incident dated 13.11.2014, whereas FIR No. 396/2015 is under Sections 506 IPC and Section 3(1)(10) of S.C./S.T Act and pertains to incident dated 13.11.2014, FIR No. 397/2015 pertains to incident dated 12.08.2012 and is under Section 3(1)(10) of S.C./S.T Act. It is, therefore, clear that case against the applicant is Magistrate Triable, whereas cases registered on the complaint of applicant and his daughter are triable by Special Court under provisions of S.C./S.T Act. One of the above cases is of the year 2012, whereas incident in other cases is of the year 2014.

From perusal of transfer application, it is clear that all the three FIRs were registered in the year 2015, as alleged by the applicant, but present transfer application has been filed in April, 2024 and no justifiable reason for not moving any such application earlier has been explained by Ld. Counsel for the applicant. Considering the fact that incident in FIR no. 399/2015 is not in respect to commission of offence under S.C./S.T. Act, I am of the opinion that it does not require to be transferred to the Court of Ld. ASJ. It should also be noted that although incident in FIR No. 299/2015 and FIR No. 396/2015 are dated 13.11.2024, but both the parties are not referring to the same incident but two different incidents of the same date.

Considering the same, no ground for transfer of the case is made out. Accordingly, transfer application is dismissed.

Copy of this order be given dasti to the applicant/his counsel, as prayed for.

File be consigned to record room.”

4. The Petitioner submits that two other cases, emanating from FIR No.

⁶ “SC/ST Act”



396/2015 and FIR No. 397/2015, are pending before the Special Judge, SC/ST Act. The details of the said FIRs are as follows:

- i. FIR No. 396/2015 dated 27th June, 2015 has been filed by the Petitioner's daughter under Section 506 of IPC and Section 3(1)(x) of the SC/ST Act, at P.S. Mayur Vihar Phase-I.
- ii. Another FIR No. 397/2015 has filed by the Petitioner under Section 3(1)(x) of the SC/ST Act.

5. Pertinently, the Petitioner submits that FIR sought to be transferred, relates to an incident dated 13th November, 2014, which is the same date of occurrence as the incident involved in case FIR No.396/2015. The FIR No. 399/2015 is filed by one Ms. Pooja Chugh, wife of Mr. Sanjay Chugh, against the present Petitioner, whereas FIR No.396/2015 has been filed by the Petitioner's daughter, against Mr. Sanjay Chugh. Therefore, it would be appropriate to transfer the present case FIR No. 399/2015 before the same court.

6. The date of occurrence of the incidents mentioned in both FIR No. 399/2015 and FIR No. 396/2015, is noted to be the same, i.e., 13th November, 2014, however, on a perusal of record, and further taking into account the observations of the Trial Court, the incidents are *prima facie* different from each other. Additionally, FIR No. 397/2015, pertains to an incident dated 12th August, 2012.

7. Admittedly, the case against the Petitioner in case FIR No. 399/2015, is triable before a Magistrate, whereas the cases registered on the basis of the complaints of the Petitioner and his daughter in case FIR No. 397/2015 and 396/2015, respectively, are triable by the Special Court, SC/ST Act.

8. In such circumstances, since the FIRs relate to different incidents,



triable by two different Courts, the reasoning given in the impugned order dated 9th May, 2024, calls for no interference.

9. Accordingly, the present petition is dismissed, along with the pending applications.

SANJEEV NARULA, J

JANUARY 28, 2025

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