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

+ **TR.P.(CRL.) 15/2025**

STATE GOVT. OF NCT OF DELHI

.....Petitioner

Through: Mr. Amit Ahlawat, APP for State
with Mr. Sartaz Khan, SI, North
District and Mr. Vikram Bhati, ASI,
PS-Karawal Nagar.

versus

CCL M AND N

.....Respondent

Through: Mr. Deepak Kumar, Advocate.
Mr. Md. Hasrat Ali, Advocate for
CCL M.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.02.2025

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1. The present transfer petition has been instituted pursuant to the order passed by Registrar General of this Court dated 07th February, 2025, in light of order dated 30th January, 2025, passed by the Principal District and Sessions Judge, North–East District, Karkardooma Courts, Delhi. The said order reads as follows:

“This case file has been received in pursuance to the order dated 07.12.2024, passed by Sh. Vipul Sandwar, learned Principal Magistrate, JJB-V, North –East District, Vishwas Nagar, Delhi and order dated 09.12.2024 passed by Sh. Vaibhav Mehta, learned CJM, North-East District, Karkardooma Courts, Delhi.

In brief, CCL ‘N’ and ‘M’ were facing inquiry before JJB-V for offences under Section 6 and 17 of POCSO Act. Vide order dated 07.12.2024, learned Principal Magistrate, JJB-V observed that perusal of record has revealed that the statement of victim under Section 164 Cr.P.C. was recorded by learned Principal Magistrate of JJB. Therefore, it was



requested that the matter be placed before the learned CMM, North – East District, Karkardooma Courts, Delhi for making the present matter to any other competent Board.

Vide order dated 09.12.2024, learned CJM, North-East District Karkardooma Courts, Delhi directed to put up this file before this Court for appropriate orders and necessary directions.

Heard. It is submitted by both the sides that in view of the observations of learned Principal Magistrate, JJB-V, North-East District, this case cannot be tried by JJB-V, North- East District and therefore, it should be assigned to some other JJB Board. It is reported that in the North-East District, there is only one JJB Board. The undersigned does not have the jurisdiction to effect inter district transfer of case.

In view of the above facts and circumstances, let this case file be placed before the learned Registrar General of Hon'ble High Court of Delhi."

2. The above order is accompanied by the orders passed by the lower courts as well as the judicial file of the case arising from FIR No. 233/2023 under Sections 377 and 34 of the Indian Penal Code, 1860¹ and Section 6 of the Protection of Children from Sexual Offences Act, 2012², registered at P.S. Karawal Nagar. The FIR is registered against two Children in Conflict with Law (CCL) - 'M' and 'N'. The said judicial file is perused.
3. It is noted that *vide* minutes of meeting dated 15th April, 2019, the Administrative and General Supervision Committee of this Court has resolved as under:-

"The resolution dated 16.01.2017 of this Committee has been reconsidered. It has been resolved to substitute the word "reference" with "transfer petition" in the said resolution. Therefore, henceforth, the request received from District & Sessions Judges and Principal Judges, Family Courts for transfer of case from one District to another District, subordinate to the High Court and competent to try or dispose of the same, upon recusal or for any other reason, shall be placed by the Registry by way of transfer petition before the concerned Bench for

¹ "IPC"

² "POCSO Act"



appropriate consideration and orders”.

4. In light of the above, since the Principal Magistrate, JJB-V, North–East District, Vishwas Nagar, Delhi has himself recorded the statement of the victim under Section 164 of the Code of Criminal Procedure, 1973³, he is a witness to the said statement made by the victim. Therefore, in order to avoid conflicting views during the conduct of trial by the same Magistrate – being Principal Magistrate, JJB-V, North–East District, it is considered appropriate to transfer the case arising from FIR No. 233/2023, P.S. Karawal Nagar, pending against CCL ‘M’ and ‘N’ to the Juvenile Justice Bord-VI, Institutional Area, Vishwas Nagar, Shahdara District.
5. With the above directions, the petition is disposed of.
6. A copy of this order be sent to the concerned courts for necessary compliance.

SANJEEV NARULA, J

FEBRUARY 14, 2025

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³ “CrPC”