

07.04.2026

Present : Ms. Kiran, Ld. Counsel for the petitioner.

Sh. Girish Giri, Ld. Addl. PP for the State/
respondent No. 1.

This is an application for transfer of the case bearing Cr. Case No.5296660/2016 'State Vs. Arun Bhagat' FIR No. 362/2016 PS Mukherjee Nagar, pending adjudication before the court of Ld. ACJM, North, Rohini to the court of Ld. JMFC, Mahila Court-02, North, Rohini before a case bearing Cr. C. No. 1836/2017 titled 'State Vs. Tejpal Singh' FIR No. 361/2016 PS Mukherjee Nagar u/s 323/354/506 IPC is pending.

2. Reports received from both courts and perused.
Arguments heard.

3. Ld. Counsel for the petitioner submits that the applicant /petitioner Mr. Amit Bhagat is an accused in Case No.5296660/2016 pending in the court of Ld. ACJM, North and that the aforementioned two cases pertain to the same incident dated 16.03.2016 and for proper adjudication, both cross cases should be tried by the same court. It is further submitted that FIR no. 361/2016 is registered u/s 354 of IPC due to which it can be tried only by Ld. Mahila Court and cannot be transferred to any other court and hence the case pertaining to FIR no. 362/2016 may

also be transferred to the court of Ld. JMFC (Mahila Court-02), North, Rohini, Delhi.

4. Per contra, Ld.Addl. PP for the State submits that both the cases are of different nature i.e. one u/s 323/354/506/457 IPC and other u/s 341/323/34 IPC. It is being submitted that the applicant/petitioner is not even complainant in either of the cases. The offence punishable u/s 354 IPC is exclusively triable by the Mahila Courts and some witnesses have already been examined and the present application has been filed only to delay the matters.

5. As per the report received from the court of Ld. JMFC (Mahila Court-02), North District, the charge-sheet in the matter i.e. FIR No. 361/2016 u/s 323/354/506/457 IPC PS Mukherjee Nagar was filed on 07.11.2016 and charges u/s 451/354/323/506 IPC were framed against accused Tejpal Singh on 26.08.2022. PW2 Arun Bhagat was dropped from the list of witnesses being untraceable on 01.03.2024. On 08.10.2025, exemption application was filed on behalf of accused and the same was allowed on medical grounds. Accordingly, PW Aman Bhagat appearing through VC was bound down for NDOH for 14.01.2026. On 14.01.2026 witness Aman Bhagat was absent and BW were issued against him for 29.05.2026. As per report received from the court of Ld. ACJM, North, Rohini, the FIR No. 362/2016 PS Mukherjee Nagar u/s 341/323/34 IPC is pending at the stage of PE and next date of hearing was 23.03.2026.

6. Upon perusal of record, it is revealed that complainant in FIR No. 361/2016 is Smt. 'P' whereas complainant

in FIR No. 362/2016 is Tejpal Singh. The present transfer application has not been filed by the complainant but rather by one of the accused Mr. Amit Bhagat. Perusal of the proceedings dated 05.02.2026 before the Ld. ACJM (North) also reveals that the accused Nos. 2 to 4 Amit, Aman and Sachin appeared through VC along with their counsel at the stage of PE and one accused Arun Bhagat is stated to be proclaimed offender. The said proceeding also reveals that when examination of complainant was being conducted on 25.04.2025, the accused persons intentionally appeared by way of video conferencing and raised dispute regarding identity and the court was constrained to adjourn the matter and directed physical appearance of the accused persons. The accused had also sought adjournment in FIR no. 361/2016 PS Mukherjee Nagar for filing the quashing petition before the Hon'ble High Court and it is reported that matter was pending for filing the quashing report at the request of accused side w.e.f. 01.03.2024 till 20.05.2025. It seems that the present transfer petition has been filed with intent to further delay the matter. Transfer of matters from one court to other need to be resorted only for extreme exigencies. The complainants in the two FIRs are different and the applicant has not even arrayed the said complainant as a party in the present transfer petition. Even the allegations of the complainant in the two FIRs are different. Thus, it appears that the instant transfer petition is nothing but an attempt on the part of the applicant/ accused Arun Bhagat to further delay the proceedings.

7. In view of the facts and circumstances, the discussion made above and the reports of the concerned courts, the present transfer petition is found to be devoid of any merits and the same is hereby dismissed.

8. Nothing stated herein shall tantamount to an expression on the merits of the case for information.

9. Copy of this order be sent to both the concerned courts. Transfer petition file be consigned to record room after completing necessary formalities.

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
07.04.2026(d)