

T. P. CrI. No. 78/2025
Ram Kishan Vs. Sandeep & Ors.

04.06.2026

Present : None for the petitioner.
Mr. N. R. Swetabh, Ld. Counsel for all the
respondents (through VC).

On perusal of the transfer application, it is mentioned there that the petitioner is the accused in case FIR No. 300/2024 PS Govindpuri under Section 323/341/354/354B/34 IPC and 12 POCSO Act whereas cross-FIR No. 296/2024 PS Govindpuri under Section 354/354A/323/341/34 IPC has been registered on the complaint of the petitioner which is pending trial before the Court of Ms. Neha Saini (now presided over by Ms. Kanika Handa), learned JMFC (Mahila Court)-02, South-East. It is further mentioned in the application that both the FIRs are connected to each other between the same parties arising out of the same incident. Therefore, it is prayed that the trial of both the cases may be conducted together.

Ld. Counsel for the respondents has no objection to the transfer application being allowed.

I have heard the arguments and perused the record. Both the FIRs appeared to be arising out of the same incident.

The Hon'ble Supreme Court of India in **Nathi Lal & Others Vs. State of U.P. & Anr., 1990 (Suppl.) SCC 145**, has held as under:-

“We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned Judge must try both the
...Contd./-

cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter, he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned Judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross case cannot be looked into. Nor can the Judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But both the judgments must be pronounced by the same learned Judge one after the other.”

In view of the aforesaid judgment and the fact that both the cases are cross-cases, so they should be tried together. Accordingly, I allow the transfer application and the case bearing **FIR No. 296/2024 PS Govindpuri** is transferred from the Court of Ms. Kanika Handa, learned JMFC (Mahila Court)-02, South-East to the Court of Mr. Abhishek Kumar, learned ASJ (SC) POCSO, South-East for proceeding further in accordance with law.

Parties are directed to appear before learned Transferee Court on **13.08.2026**.

A copy of this order be sent to concerned court for necessary compliance.

Transfer file be consigned to record room.

(SANJEEV KUMAR AGGARWAL)
Principal District & Sessions Judge
South East District, Saket Courts,
New Delhi. 04.06.2026 (ar)