

T. P. CRL. 22/2026

NARENDER KUMAR VS. MANOJ GARG AND ORS

10.04.2026

Present : Sh. Ratan Singh, Ld. Counsel for the petitioner.

Arguments on the transfer petition under Section 448 BNSS heard.

Put up for order at 3:00 p.m.

(SANJAY GARG-II)
Principal District & Sessions Judge,
Shahdara, KKD Courts, Delhi/10.04.2026

At 3:00 p.m.

Present : None.

Petitioner is the complainant in the complaint case No. 140/2026 titled '*Narender Kumar v. Manoj Garg & Ors.*' pending before the court of Ld. JMFC-04 (Shahdara).

The counsel for the petitioner has submitted that the above said complaint case was listed on 03.03.2026 but since the said day was declared as a holiday, the matter stood adjourned to 11.04.2026 in view of Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026. He has submitted that due to the urgency involved in the matter, the petitioner moved an application (IA No. 01/2026) for early hearing and another application (IA No. 02/2026) seeking directions to the SHO concerned, which were listed before the court on 10.03.2026 and 14.03.2026 respectively but no order on the said applications was passed by the Ld. JMFC. He has further submitted that after the filing of the instant

transfer petition, he had again moved an application (IA No. 03/2026) seeking urgent hearing and disposal of the earlier two applications on 24.03.2026, however, the Ld. JMFC not only dismissed the said application on 02.04.2026 but also misbehaved with him. He has submitted that due to the inaction and conduct of the Ld. JMFC, the petitioner has developed an apprehension that he would not get a fair and impartial trial from the said court and therefore, the complaint case be transferred to some other court of competent jurisdiction.

A perusal of the trial court record shows that the above complaint case alleging the commission of offence of cheating had been instituted on 28.01.2026. On the said day, Ld. JMFC called an action taken report from the SHO concerned and posted the matter for 25.02.2026. Since the Ld. JMFC was on leave on 25.02.2026, the Ld. Link JMFC adjourned the matter to 03.03.2026, which was declared as holiday in view of the above mentioned notification of the Hon'ble High Court of Delhi. From the trial court record, it also transpires that the IA No. 01/2026 seeking early hearing was dismissed by the Ld. JMFC on 10.03.2026 by observing that the preponement was not possible due to heavy board. On the IA No. 02/2026 filed by the petitioner on 14.03.2026, the Ld. JMFC has called the report from the police for 11.04.2026 (i.e. the date on which the complaint case shall now be taken up in terms of the above mentioned notification). Thus, the averment of the counsel for the petitioner that no order on the applications was passed by the court is contrary to the record. Since the orders passed by the Ld. JMFC on the above applications were not disclosed by the petitioner,

this Court had advised him to move appropriate application for the disposal of the said applications before the Ld. JMFC. It is further seen from the trial court record that the petitioner had moved IA No. 03/2026, which was dismissed with costs by the Ld. JMFC on 02.04.2026 for repeatedly filing the application for early hearing and that on the request of the counsel for the petitioner, the said cost was waived of with a warning to the petitioner. Considering the above, the transfer petition is found to be devoid of any substance and is accordingly dismissed.

File be consigned to the record room.

Trial court record be sent back.

(SANJAY GARG-II)
Principal District & Sessions Judge,
Shahdara, KKD Courts, Delhi/10.04.2026