

CA. No. 93-2023
Prakash Yadav Vs. State
U/s. 374 Cr. P. C.

12.09.2023

Present: Sh. Jitendra Sharma, Ld. Addl. PP for the State.

Appellant Prakash Yadav in person with Ld. counsel

Sh. Sumit Gaba.

1. TCR has been received. Same be attached.
2. Steps have not been taken in terms of order dated 02.05.2023.
3. It is submitted by the counsel for the appellant that since he is not in contact with the other convict Krishan Kumar, he has not taken any steps for transfer of both the appeals to the same court.
4. Perusal of the impugned judgment shows that the two accused persons namely Krishan Kumar and Prakash Yadav have been convicted for the offences under Section 279/304 IPC in case FIR No. 132/2010 PS- Maya Puri.
5. Two separate appeals have been filed by both the convicts. The appeal filed by convict Prakash Yadav is current appeal pending before me while the appeal filed by convict Krishan Kumar is CA No. 97/2023 titled as Krishan Kumar Vs. State and pending before the court of Ms. Ambika Singh, Ld. ASJ-02, West, THC, Delhi for today itself.

PTO

6. In order to avoid contradictory judgments, it would be appropriate that both the appeals are heard by the same court as they are arising out of same order of conviction. Since, the appellant before me is not taking steps for transfer and the other convict is not appearing before me, I deem it appropriate to place the present file before Ld. Principal District & Sessions Judge, West, THC, Delhi for appropriate directions for transfer of both the appeals to the same court.

7. *Let the file be placed before Ld. Principal District & Sessions Judge, West, THC, Delhi for directions in this regard on 14.09.2023 at 02.00 PM.*

8. Ahlmad is directed to send the file complete in all respects. Appellant is directed to appear before the court of Ld. Principal District & Sessions Judge, West, THC, Delhi.

(SHIVALI SHARMA)
ASJ-03, WEST/DELHI
12.09.2023