

श्री विवेक पिंगोलिया  
SH. VIKHAY PINGOLIA  
अभिज्ञान प्रमाणिका नं. 100/12/19/11  
A.P.S. Chief Magistrate & Metropolitan  
Magistrate नं. 200/12/19/11  
Court No. 203, 2nd Floor  
राउस रोड, दिवस नगर  
Rouse Avenue District Court  
नई दिल्ली  
New Delhi

FIR no. 65/20  
PS Dayal Pur  
State v. Tahir Hussain  
u/s 302/365/201 IPC

05.03.2020

The present application has been marked to the undersigned for disposal by the Ld. CMM, Rouse Avenue District Courts.

Present : Sh. Lalit Pingolia, Ld. APP for state.

Applicant in person with Ld. Counsels Sh. Mukesh Kalia and Sh. Javed Ali.

Ld. Counsels for the applicant Mr. Tahir Hussain has submitted that there is grave apprehension of life to the applicant so he has not surrendered before the court of Competent Jurisdiction as there is charged environment in Karkardooma District Court. It is further submitted that the applicant is ready to join the investigation and co-operate the investigating agency in whatever manner they want, hence, this court is prayed to allow the present application. Arguing further, Ld. Counsel submitted that the applicant has no connection or involvement in the FIR no. 65/2020 registered by the police and he is being implicated falsely. Ld. Counsel further argued that there is threat of life to the applicant so considering the gravity of the situation the applicant wish to surrender before this Court.

Submissions heard.

The title of the application says that applicant seek permission of this court to join the investigation in the FIR no. 65/2020, PS Dayal Pur registered u/s 302/365/201 IPC. The reliefs sought in the prayer clause are to provide protection to the applicant qua his life and property, to allow the applicant to appear before this court and join the investigation and any other order which this court may deem it proper.

As per the provisions 177 of Criminal Procedure Code, the



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offence shall ordinary be inquired into and tried by court within whose local jurisdiction it is committed. In the instant case, the offence has been committed within the jurisdiction of PS Dayal Pur which further falls within the jurisdiction of District Court Karkardooma. The reason given in the application for moving this application does not justify the conduct of the applicant to chose this forum for seeking aforesaid reliefs. The Hon'ble High Court of Delhi in its Administrative side has specifically made a division of the jurisdictions, be that of Police Station wise or the Judicial District Wise and work has been allocated in accordance with the same.

This court is a Special Designated court dealing with the matters of **MPs/MLAs**. Vide order dated 23.01.2018 the Hon'ble High Court of Delhi in compliance to the directions of Hon'ble Supreme Court passed in writ petition (Civil), no. 699/2016 titled **Ashwani Kumar Upadhyay v. UOI** and another has designated this court as special court to deal with the cases against elected **MPs/MLAs** w.e.f. 01.03.2018 and to put such cases on fast track with endeavour to dispose of the same within one year as its objective. The applicant does not fall in the aforesaid category, hence, this application cannot be even entertained by this Court.

Even at the outset, it is pertinent to note that the reliefs sought in the present application does not fall within the domain or jurisdiction of this court, hence, no such relief can be granted.

In view of the observations given above, the application deserves to be dismissed. Accordingly, same stands dismissed.

Copy of the order be given dasti as prayed for.

File be consigned to record room after due compliance.



  
[Vishal Pahuja]  
ACMM-I/RADC/ND/05.03.2020

अतिरिक्त मेट्रोपॉलिटन मजिस्ट्रेट  
Addl. Chief Metropolitan Magistrate