

Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 37706 - 37826
Genl./HCS/2024


Dated, Delhi the 09 OCT 2024

Sub : Circulation of Order dated 26.09.2024 passed by Hon'ble Mr. Justice Chandra Dhari Singh in CrI.L.P. 472/2024, titled "State Through RPF Vs. Dharmendra@Dharma".

A copy of the letter bearing no. 69906/Crl. dated 07.10.2024 vide this office diary no. 3910 dated 07.10.2024, alongwith copy of order dated 26.09.2024 passed by the Hon'ble High Court of Delhi in the abovesaid matter is being circulated for necessary action/immediate compliance to :-

1. All the Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
4. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. For uploading the same on Centralized Website through LAYERS.


(Ravinder Bedi)

Officer-in Charge, Genl. Branch, (C)
District Judge, (Comm. Court)
Tis Hazari Courts, Delhi. 

Encls. As above

Single Bench

IN THE HIGH COURT OF DELHI AT NEW DELHI

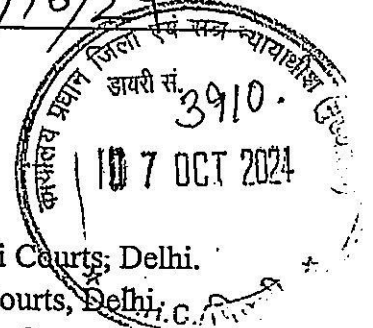
Fixed for: 16/10/2024

NO. 69906 - /CRL.

DATED 7/10/24

FROM:

The Registrar General,
High Court of Delhi,
New Delhi.



To,

- ✓ 1. The Ld. Principal District & Sessions Judge, Hq's(Central), Tis Hazari Courts, Delhi.
2. The Ld. Principal District & Sessions Judge, West Distt., Tis Hazari Courts, Delhi, C.
3. The Ld. Principal District & Sessions Judge, New Delhi, Patiala House Courts, Delhi.
4. The Ld. Principal District & Sessions Judge, South Distt., Saket Courts, Delhi.
5. The Ld. Principal District & Sessions Judge, South-East Distt., Saket Courts, Delhi
6. The Ld. Principal District & Sessions Judge, East Distt., Karkardooma Courts, Delhi
7. The Ld. Principal District & Sessions Judge, North-East Distt., Karkardooma Courts, Delhi,
8. The Ld. Principal District & Sessions Judge, Shahdara Distt. Karkardooma Courts, Delhi,
9. The Ld. Principal District & Sessions Judge, North Distt., Rohini Courts, Delhi.
10. The Ld. Principal District & Sessions Judge, North-West Distt., Rohini Courts, Delhi,
11. The Ld. Principal District & Sessions Judge, South-West Distt., Dwarka Courts, Delhi.
12. The Ld. Principal District & Sessions Judge -cum Spl.Judge, (PC Act) (CBI), Rouse Avenue Court, Delhi.
13. The Principal Judge (HQ), Family Court, Dwarka, New Delhi,
14. The Director (Academics), Delhi Judicial Academy, H2XF+QH2, Pocket 1, Sector 14 Dwarka, Dwarka Delhi -11075.
15. The Commissioner of Delhi Police, Police Headquarter, ITO, New Delhi
16. The Standing Counsel (Criminal) (GNCTD,)
17. The Principal Secretary, Law, Justice & L.A. (GNCTD)

CRL.L.P.472/2024,

State Through RPF

.....Petitioner

Versus

Dharmendra @ Dharmma

.....Respondent

CrI. Leave Petition filed against the impugned judgment/order dated 07/03/2024 passed by Ld. MM-07, Central, Tis Hazari Courts, Delhi in Ct.C No. 527075/2016, CC No. 11/14, P.S.: RPF/SSB, U/s. Section 3 of The Railway Property (Unlawful Possession) Act 1966.

Sir,

I am directed to forward herewith for immediate compliance/necessary action a copy of order dated 26.09.2024 passed by Hon'ble Mr. Justice Chandra Dhari Singh, of this Court in the above noted case.

Necessary directions are contained in the enclosed copy of order.

Yours faithfully,

Anuradha
DR/Cr-I

for Registrar General

OJC (Genl. Br.)

7 D & S J (HPS)
07/10/24

Encl.: A copy of order dated 26.09.2024 & memo of parties.

IN THE HIGH COURT OF DELHI, AT NEW DELHI

CRIMINAL L.P. NO. _____ OF 2024

IN THE MATTER OF:

STATE THROUGH RAILWAY PROTECTION FORCE

...APPELLANT

VERSUS

DHARMENDRA @ DHARMA

...RESPONDENT

MEMO OF PARTIES

STATE THROUGH RAILWAY PROTECTION FORCE

THROUGH SHREY SHARAWAT,

SENIOR PANEL COUNSEL FOR UNION OF INDIA

B-4/156B, L.G.F., SAFDARJUNG ENCLAVE,

NEW DELHI - 110029.

...APPELLANT

VERSUS

DHARMENDRA @ DHARMA

S/O SH. RAMJIYAWAN

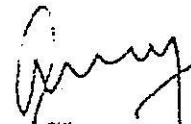
VILLAGE- KHIRDIRPUR, P.O.- ATHRAMPUR,

P.S.- NAWABGANJ, DISTT. ALLAHABAD.

UTTAR PRADESH.

...RESPONDENT

Through;



Shrey Sharawat,
Senior Panel Counsel,
Union of India, Delhi High Court.
B-4/156B, LGF, Safdarjung Enclave,
New Delhi – 110029.
shrey.sharawat@gamil.com

Place: New Delhi
Date: 05.08.2024

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.L.P. 472/2024

STATE THROUGH RPFPetitioner

Through: Mr. Shrey Sharwat, Advocate.

versus

DHARMENDRA @ DHARMARespondent

Through:

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.09.2024

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1. The present application/petition has been filed under Section 482 of Code of Criminal Procedure, 1973. When this Court posed a query regarding the filing of instant case under the erstwhile procedural code, the learned counsel apprised this Court that the same practice has been adopted by the judges in the District Courts and therefore, he was under the impression that the same needs to be done in this Court as well.
2. During the course of proceedings for last two days, it has come to the notice of this Court that despite implementation of the new laws i.e. ~~Bhartiya Nyaya Sanhita, 2023 (BNS)~~, ~~Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS)~~ and ~~Bhartiya Sakshya Adhinyam, 2023 (BSA)~~ the advocates are relying upon the provisions of the old Criminal laws to file new applications/petitions and also while assisting the Court.
3. This Court has taken serious view to the same as the reliance upon the old criminal laws despite introduction and implementation of


new laws is a clear violation of the intent of the Parliament and defeats the efforts made for its effective implementation. Since the new laws have already been implemented w.e.f 1st July, 2024 and published in the Gazette notification by the Union of India, the applications filed after 1st July, 2024 cannot be adjudicated by any Court under the old laws as the same are not in effect anymore.

4. In *Prince v. State of Govt of NCT Delhi and ors.* 2024 SCC OnLine Del 4909, the co-ordinate Bench of this Court shared the same sentiment and held as under:

4. Though the present petition has been filed under the provisions of the Code of Criminal Procedure, 1973 ('Cr.P.C. '), in the opinion of this court, on a plain reading of section 531(2)(a) of the BharatiyaNagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "... ..disposed of, continued, held or made... .." in accordance with the Cr.P.C. only in cases where such proceedings, viz. "... ..any appeal, application, trial, inquiry or investigation... ..", was pending immediately before the date on which the BNSS came into force, i.e. 01.07.2024.

5. In the circumstances, since the present petition has been filed after 01.07.2024, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 482 read with 528 of the BNSS"

5. A similar view has also been taken by the various other High Courts of the country and this Court is of the view that it is appropriate for the advocates to contribute towards effective implementation of the newly introduced criminal laws.



6. Therefore, the registry is directed to ensure that the new applications/petitions are filed under the new laws only. It is made clear that if any proceeding is in continuance in the cases filed before 1st July, 2024, it would be appropriate to refer to old provisions along with the provisions in the new laws to ensure smooth transition later on.

7. In view thereof, the Registrar General, High Court of Delhi is directed to send the above said directions to all the District Courts, Police Stations and other concerned authorities within the jurisdiction of the National Capital Region.

8. Pursuant to the above said observations, the learned counsel for the petitioner prayed for a weeks' time to amend the petition according to the new criminal laws. Let him do so within a week as prayed.

9. List on 16th October, 2024.

SEPTEMBER 26, 2024

NA/AV

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CHANDRA DHARI SINGH, J

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[Click here to check corrigendum, if any](#)

