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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(CRL.) 7/2011**

PS GUPTA

..... Petitioner

Through : Ms. Bansuri Swaraj, Adv.

versus

CBI & ORS

..... Respondent

Through : Mr.P.K. Sharma, Standing
Counsel for CBI.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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24.10.2011

+ **Crl. M.A. 12657/2011**

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

TR.P.(CRL.) 7/2011

1. Vide the instant petition, the Petitioner has prayed that in exercise of power under Section 407 read with Section 482 Indian Penal Code, 1860, case FIR No. RC-05(A)-95-ACU(I); under section 420/120B Indian Penal Code, 1860, Section 13(2) read with

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Section 13(1)(d) of the Prevention of Corruption Act, 1988 from the Court of Sh. Rajiv Mehra, Special Judge, Karkardooma Courts, Delhi to the Court of Sh. P.K. Saxena, Special Judge, Tis Hazari Courts, Delhi.

2. Ld. Counsel for the CBI has fairly conceded that similar situation has been dealt with in W.P.C. 1474/2011, in the case of Raja Rirohi Vs. CBI by double bench of this Court and has held that the original court, who has heard the case substantially, should at least hear the case till charge is framed, otherwise, it would delay the matter and also waste the time if the said case is transferred to any other judge. In the instant case, Petitioner is facing trial for the last 12 years and till date charges have not been framed.

3. Keeping in view the statement of Ld. Counsel for the CBI, the instant petition is allowed subject to that if the charges have not framed and the predecessor court has substantially heard the case. Therefore, the matter shall be transferred to the transferee court after the framing of charge.

4. Accordingly, the petition is allowed on the above terms.


SURESH KAIT,J

OCTOBER 24, 2011/jg