

\$~65

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

+ **TR.P.(CRL.) 8/2011**

C.SUBRAMANIAM & ORS.

..... Petitioner

Through **Ms. Bansuri Swaraj, Adv.**

versus

CBI & ORS.

..... Respondent

Through **Mr. P.K. Sharma, SC for CBI/R-1.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.11.2011

%

CrI.M.A. 17671/2011

Exemption allowed subject to just exceptions.

TR.P.(CRL.) 8/2011

By this petition the Petitioners seek transfer of case titled CBI Vs. N. Ramakrishnan and Ors. arising out of RC No. 7(A)/97-CBI, DS& FC/N.DLI from the Court of Shri N.K. Sharma Special Judge CBI (PC Act) Tis Hazari to the Court of Shri L.K. Gaur Special Judge CBI (PC Act) Tis Hazari.

The contention of the learned counsel for the Petitioner is that the case is pending trial since the year 2001 and the arguments on charge have been heard repeatedly by different Courts, however before any final order is

TR.P.(CRL.) 8/2011

page 1 of 3

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

passed the Learned Judge is transferred resulting in re-arguments on the point of charge. It is stated that even recently from 9th April, 2011 to 12th April, 2011 the matter was heard on the issue of framing of charge against the Petitioners by Shri L.K. Gaur, Learned Special Judge CBI (PC Act) Tis Hazari. Even the arguments on behalf of CBI had also been made on the 30th August, 2011, 3rd and 10th September, 2011. The matter was only listed for clarification. However, before the orders could be pronounced on 9th September, 2011 due to administrative orders, the Learned Special Judge CBI Shri L.K. Gaur was transferred. Shri L.K. Gaur, Learned Special Judge CBI is still looking after the matters relating to P.C. Act and since the arguments on charge have already been heard by him, it would be in the interest of justice that the proceedings in the abovementioned case are transferred to the Court of Shri L.K. Gaur till orders on charge are passed/framed by the said Court.

Learned counsel for the CBI also states that since substantial arguments have been heard, it would be in the interest of justice that the issue on charge is decided by the Learned Special Judge Shri L.K. Gaur.

It is therefore directed that Leaned Sessions Judge would transfer the trial in case RC No. 7(A)/97-CBI, DS& FC/N.DLI to the court of Shri L.K.

Gaur, Special Judge CBI for passing appropriate orders on the issue of framing of charge against the Petitioners. However, in case charges are framed, thereafter the matter will be sent back to the Learned Special Judge Shri N.K. Sharma Special Judge CBI for further proceedings.

Petition is disposed of. Order dasti.


MUKTA GUPTA, J

NOVEMBER 11, 2011
'ga'