

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

Date of Decision: March 10, 2015

(i) + CRL.M.C. 467/2015 & Crl.M.A Nos.1864/2015 & 2656/2015

NARESH LAL CHAUDHARY & ORS Petitioners
Through: Mr. Anupam S. Sharma, Mr. Vipul
Sharma and Ms. Meena Sharma,
Advocates

versus

THE CENTRAL BUREAU OF INVESTIGATION ... Respondent
Through: Ms. Sonia Mathur, Standing
Counsel for CBI with Mr. Rajat
Soni, Advocate
Mr. Vijay Bisnoi, Advocate for
respondent No.2
Mr. Islam Khan, Advocate for
respondents No.3 to 6

(ii)+ CRL.M.C. 468/2015 & Crl.M.A.Nos.1866/2015 & 2658/2015

MEENA CHAUDHARY SHARMA Petitioner
Through: In person

versus

THE CENTRAL BUREAU OF INVESTIGATION ... Respondent
Through: Ms. Sonia Mathur, Standing
Counsel for CBI with Mr. Rajat
Soni, Advocate
Mr. Vijay Bisnoi, Advocate for
respondent No.2
Mr. Islam Khan, Advocate for
respondents No.3 to 6

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

JUDGMENT
% **(ORAL)**

In the above captioned two petitions, challenge is to the order of 23rd January, 2015 vide which trial court has refused to reserve the orders on the protest petition and has adjourned the hearing on the protest petition to 27th February, 2015.

With the consent of counsel representing both the sides, the above captioned two petitions have been heard together and are being disposed of by this common judgment.

The grievance of petitioners is that the Presiding Officer of the trial court had heard the protest petition for last more than three years and hearing on the protest petition was actually concluded on 7th January, 2015 and the matter was adjourned to the next day for further hearing and clarification and on the next day, counsel for accused wanted to make some legal submissions and the matter was adjourned to 19th January, 2015 and on the said day also, the matter was got adjourned to 23rd January, 2015 and the Presiding Officer of the trial court had to relinquish the charge as Special Judge, CBI, Rohini Courts, Delhi on 24th January, 2015 upon being transferred to the Electricity Court. It was submitted on behalf of the petitioners that counsel for respondent-accused had deliberately not appeared on 23rd January, 2015 and in such a situation, the trial court ought to have reserved the orders on the protest petition, instead of adjourning it on the request of proxy counsel for accused.

The precise prayer made on behalf of petitioners is that the protest

petition be placed before the Presiding Officer, who has already heard the matter for more than three years, so that the unnecessary delay can be curtailed.

During the course of hearing, learned counsel for respondent-accused had submitted that upon transfer of the Presiding Officer of the trial court, he no longer remains the Special Judge, CBI and unless powers of Special Judge, CBI are especially conferred by the Government upon the judicial officer, he cannot deal with protest petition in this CBI case.

After having heard both the sides and on perusal of the impugned order and the material on record, I find that the protest petition cannot be entrusted to the same judicial officer who had dealt with it earlier because he is not having the powers of Special Judge, CBI which are conferred by special Notification by the Government. It is indeed unfortunate that the hearing on the protest petition had spanned over a period of three years. To allay the apprehension of inordinate delay again, it is directed that the present Special Judge, CBI shall provide a time bound hearing on the protest petition with liberty to the parties to place on record their short synopsis. Let all the endeavours be made by the trial court to decide the protest petition on or before 30th May, 2015.

With aforesaid directions, the above captioned two petitions and applications are disposed of.

(SUNIL GAUR)
JUDGE

MARCH 10, 2015

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