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

DECIDED ON : 19th AUGUST, 2015

+ **TR.P.(CRL.) 29/2015**

RAMESH THAKUR & ANR. Petitioners

Through : Mr.Suresh Tripathi, Advocate.

VERSUS

STATE & ANR. Respondents

Through : Mr.Sanjeev Sabharwal, APP.
Ms.Chandrani Prasad, Advocate
with Ms.Mitali, Advocate for R2
along with R2 in person.
SI Deepak Malik.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. The instant petition has been preferred by the petitioners to seek transfer of Sessions Case No.219/2014 titled '*State vs. Sharat Chandra & ors.*' pending at present in the Court of Ms.Aditi Chaudhary, Ld.ASJ (Fast Track Courts), South District, Saket Courts, to the Court of Mr.Sanjiv Jain, ASJ, Fast Track Courts (South-East), Saket Courts. The petition is contested by respondent No.2.

2. I have heard the learned counsel for the parties and have examined the file. Sessions Case No.219/2014 vide FIR No. 610/2007 registered under Sections 376(g)/354/506/384/34 IPC at PS Malviya Nagar was pending in the Court of Mr.Sanjiv Jain, Ld.ASJ. Order-sheets on record reveal that part arguments on charge were heard for about two hours on 05.03.2015. On 09.03.2015, arguments on charge were concluded on behalf of the accused Praveen Bhargav and Ramesh Thakur (the petitioners). On 25.03.2015, learned counsel for the complainant / prosecutrix addressed arguments on charge. She sought 30 to 40 minutes more to conclude her arguments. On 01.04.2015, the prosecutrix concluded her arguments; learned APP also advanced the arguments and the petitioners filed written submissions. Case was listed for 25.04.2015 for clarifications (if any). On 25.04.2015, since the advocates were abstaining from work, case was adjourned to 16.05.2015 for seeking clarifications (if any) / orders on charge at 02.00 p.m. On that day, the Investigating Officers - Ms.Jaswant Kaur and Insp.Poornima Panthari were called to seek certain clarifications on 22.05.2015 at 03.30 p.m. On that day, after required clarifications, the case was finally fixed for orders for 06.06.2015. Since order was not ready that day, the case was adjourned to 04.07.2015 for orders on charge. On 04.07.2015, certain

clarifications were sought and after making necessary queries from the accused and their counsel, the learned Presiding Officer after observing that no further clarifications were required, listed the case for orders on 14.07.2015 at 03.00 p.m.

3. In the meantime, on administrative side, this Court vide notification No.55/DHC/Gaz./G-1/VI.E.2(a)/2015 dated 07.07.2015 ordered District and Sessions Judge, South, Saket to withdraw all the cases of sexual assault on women pertaining to South District from the Court of Mr.Sanjiv Jain and assign the same to the newly created Court of Ms.Aditi Chaudhary, ASJ (Spl. Fast Track Court), South, Saket, on her repatriation to the parent cadre and joining as such. Consequently, the learned District and Sessions Judge withdrew all such cases from the Court of Mr.Sanjiv Jain, ASJ. In compliance of the order dated 10.07.2015, No.Judl.II/F.75/South/Saket/2015/No.14228-14227 of the learned District and Sessions Judge, South Saket Court Complex, the instant case among others was transferred to the Court of Ms.Aditi Chaudhary, ASJ on 13.07.2015. At present, the case is listed for arguments on charge before Ms.Aditi Chaudhary, ASJ.

4. Since arguments on charge have been heard at length on various dates by Mr.Sanjiv Jain, ASJ and the matter was listed for orders

on 14.07.2015 at 03.00 p.m., it is expedient to transfer the case to the Court of Mr.Sanjiv Jain, ASJ to pronounce order on charge. It will avoid considerable delay in rehearing the arguments afresh by the Court of Ms.Aditi Chaudhary, ASJ. The respondent No.2 has given no plausible reasons to oppose transfer of the case to Mr.Sanjiv Jain, ASJ. She has not expressed any apprehension that the Court of Mr.Sanjiv Jain, ASJ would not render impartial justice. Had there been no transfer of the sexual offence cases on the administrative side, it was the Court of Mr.Sanjiv Jain, ASJ who were to pronounce the order on charge on 14.07.2015. It is also in the interest of the victim / prosecutrix that the order on charge is pronounced promptly for expeditious disposal of the case.

5. In the interest of justice and for expeditious trial of the case, Sessions Case No.219/2014 vide FIR No. 610/2007 registered under Sections 376(g)/354/506/384/34 IPC at PS Malviya Nagar, presently pending in the Court of Ms.Aditi Chaudhary, ASJ is ordered to be transferred to the Court of Mr.Sanjiv Jain, ASJ for the limited purpose of announcing order on charge as per law. After the pronouncement of order on charge on merits, the case would be sent back to the Court of Ms.Aditi Chaudhary, Ld.ASJ for disposal, as per law.

6. The transfer petition is disposed of in the above terms.

7. Trial Court record (if any) be sent back forthwith with the copy of the order through 'Special Messenger'.
8. Order '*dasti.*'

(S.P.GARG)
JUDGE

AUGUST 19, 2015 / *tr*