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

DECIDED ON : 7th MAY, 2018

+ **TR.P.(CRL.) 24/2018**
SARVADAMAN SINGH OBEROI Petitioner
Through : Petitioner in person.

versus

UNION OF INDIA & ORS. Respondents
Through : None.

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

S.P.GARG, J. (Oral)

1. File has been put up for transfer of the complaint case instituted by complainant/ petitioner - Sarvadaman Singh Oberoi.
2. I have heard the complainant / petitioner who is present in person and have examined the file.
3. The Complaint Case No.20/2018 filed by the complainant / petitioner came to be listed for consideration before the learned Addl. Sessions Judge-01, Patiala House Court. After hearing the complainant on 11.04.2018, the matter was listed for orders on 23.04.2018 at 02.00 p.m. On that day, the learned Presiding Officer was on leave and the matter was listed for 24.04.2018.
4. On 24.04.2018, the learned Trial Court dismissed the said complaint case.

5. On 27.04.2018, application was received by the said Court by way of assignment for recalling the orders dated 11.04.2018 and 24.04.2018. Record reveals that initially it was stated by the complainant that he did not want to say anything as he was a whistle-blower. When the matter was kept aside telling the complainant that the order would be passed after going through the record, the complainant stated that he feared 'bias' from the Court. On that, learned Addl. Sessions Judge placed the matter before learned District & Sessions Judge, New Delhi on 28.04.2018 for appropriate orders.

6. By an order dated 01.05.2018, learned District and Sessions Judge noted that since the Court of learned Addl. Sessions Judge-01 was the only Court in the District to deal with the matters relating to Human Rights Act as per Notification No.F.6/13/2011-Judl./Suptlaw/721-725 dated 14.06.2011, the matter was placed before the Registrar General of this Court for 03.05.2018 for assignment to some other Court.

7. Order dated 24.04.2018 which is under challenge was passed by the learned ASJ-01, Patiala House Court, a designated Court. At that time, the complainant did not seek transfer of the complaint case for any reason. After the dismissal of the complaint case on 24.04.2018 by a detailed order, subsequently application for recall of the orders dated 11.04.2018 and 24.04.2018 was filed by the complainant. On 27.04.2018, the complainant appeared in person and initially he did not want to say anything being whistle-blower. Subsequently, for no reasons, the complainant informed that he feared 'bias' from the Court. Apparently, there was no sufficient reason for

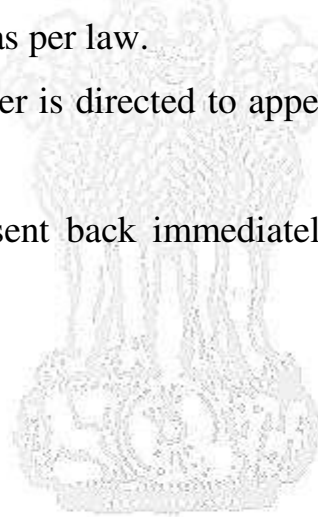
the complainant to fear 'bias' as the application in question was only to recall the orders dated 11.04.2018 and 24.04.2018. The Trial Court was also not expected to transfer the matter merely because the complainant feared unfounded 'bias'.

8. This Court finds no sufficient reasons to transfer the matter from the Court of learned ASJ-01 to any other Court.

9. Let the matter be listed before the learned ASJ-01 on 23rd May, 2018 for disposal of the application for recalling of the orders dated 11.04.2018 and 24.04.2018 on merits after giving hearing to the complainant / petitioner as per law.

10. The petitioner is directed to appear before the said Court on 23rd May, 2018.

11. Record be sent back immediately with the copy of the order.



(S.P.GARG)
JUDGE

MAY 07, 2018 / tr