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

DECIDED ON : 2nd JANUARY, 2018

+ **TR.P.(CRL.) 53/2017**

SWAMI SADACHARI OM JI Petitioner

Through : Petitioner in person.

versus

STATE Respondent

Through : Mr.Amit Chadha, APP.

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

S.P.GARG, J. (Oral)

CRL.M.A.No.21511/2017 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

TR.P.(CRL.) 53/2017

1. Present petition under Section 407 Cr.P.C. has been preferred by the petitioner for transfer of Case No.2032751/2016 arising out of FIR No.71/2009 registered under Sections 307/342/326 IPC etc. at PS Lodhi Colony / Crime Branch presently pending in the Court of Ms.Pooja Talwar, learned CMM South Delhi, Saket.

2. I have heard the petitioner in person and have examined the file. Main grievance of the petitioner for seeking transfer is that the learned Presiding Officer is biased against him; he is not satisfied

with the orders dated 06.11.2017 and 01.12.2017 passed by the said Court whereby his name to appear as a witness was deleted. It is further averred that various other applications filed by him have not been disposed of. Previously present case was being dealt with along with case FIR No. 264/2008 PS Lodhi Colony / Crime Branch of South-East Delhi District presently pending in the Court of Sh.Manish Kumar Khurana, learned CMM.

3. The petitioner has not produced on record sufficient material to infer if the learned Trial Court has any bias against him. Primarily, the petitioner is aggrieved by the orders dated 06.11.2017 and 01.12.2017 passed by the learned Trial Court. It is relevant to note that the petitioner had filed revision petition No. 63/2017 (443/2017) before the Revisional Court and it was decided by an order dated 18.12.2017. The impugned order dated 01.12.2017 has been set aside and the petitioner has been directed to examine himself on 04.01.2018 before the Court concerned. It has been further noted that if the petitioner / complainant fails to examine himself, the Trial Court will be at liberty to decline any further opportunity for his evidence. This Court finds no irregularity in the impugned order. Seemingly, the petitioner is not interested to examine himself before the Court and has filed the present transfer application to prolong the proceedings. Merely because, certain adverse judicial order has been passed against the petitioner for which he already has availed the legal remedy by filing the revision petition, it cannot be inferred that the Trial Court is biased against the petitioner to seek transfer of the present proceedings to some other Court.

4. The petition lacks merit and is dismissed.
5. Copy of the order be sent to the Court concerned for information.
6. Order '*Dasti*'.

(S.P.GARG)
JUDGE

JANUARY 02, 2018 / *tr*

