

\$~25

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

+ W.P.(CRL) 2204/2017 & CRL. MA. 12433/2017

ASHOK KUMAR

..... Petitioner

Through Mr. Sidharth Agarwal, Mr. Adit S. Pujari, Ms. Surabhi Dhar, Mr. Sidharth Satija, Mr. Chaitanya Sundriyal, Ms. Tusharika Mattoo and Mr. Viren Bansal, Advocates.

versus

STATE & ANR

..... Respondent

Through Mr. Piyush Singhal, Advocate for Ashish Aggarwal, A.S.C.for the state.

Mr. Pramod Kumar Dubey, Mr. Shiv Chopra, Mr. Kushank Sindhu, Ms. Neha Sharma and Mr. Mayank Mishra, Advocates for respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **13.01.2020**

1. The petitioner has filed the present petition for seeking setting aside of the order dated 01.03.2017 passed by the Ld. CMM Patiala House Courts, New Delhi in transfer petition tilted as Ramnik Gupta Vs. Kassa Finvest and Others and further seeking directions to the

Ld. MM-01, Patiala House Courts, New Delhi before whom CC Nos. 122/1/16, 1606/1/16 tilted as Ramnik Gupta Vs. Kassa Finvest & Ors are pending to not permit the inspection of records in the said matter without the presence of both the parties during the inspection.

2. I have heard the Ld. counsel for the parties and perused the records of this case.

3. The relevant portion of the impugned order dated 01.03.2017 reads as follows :

"After going through the comments as well as submission made before the Court, I am of the considered opinion that there is no need for transferring the present cases from the concerned Court. I also note that when the complaint was filed, cases were pending in the Court of Ld. MM Sh. Satvir Singh Lamba and now the said Court is succeeded by Ld. MM Ms. Jasjeet Kaur. However, before parting with orders, following directions are passed :

1. the Ld. Trial Court shall conduct expeditious trial of cases taking into account the mandate of Section 138 N.I. Act which stipulates expeditious disposal of cases and prescribes the procedure i.e., summons triable case;

2. that Ld Trial Court after considering the pendency of the cases before the Board, shall make an endeavour to take up all the cases between the above mentioned

parties once in every month;

3. that Id. Trial Court shall make an endeavour to list and take up all the cases between the parties on a single day rather than segregating the same for different dates;

4. The record of the case should also be streamlined and made into separate files making a detail notesheet by the Ahlmad as to the documents in each file with proper index as well as description of documents so that the record is always updates and there is no chance of mixing up of files/records.

With these directions, the transfer petition stands disposed of accordingly."

4. This is an administrative order passed by the Ld. CMM, Patiala House Courts, New Delhi. During the course of the arguments, the Ld. counsel for the petitioner has only raised his objection to the direction No. 4 hereinabove mentioned in the impugned order and submitted that since his contempt petition and rectification application of the respondent No. 2 are pending, the Ld. CMM should have refrained from passing any such direction, otherwise, his petition U/s 340 Cr.P.C. would become infructuous. He prays that the Ld. Trial Court be directed not to remove any document from one file to another till the disposal of the said contempt petition and the

rectification application.

5. The counsel for the respondent No. 2 has no objection to this prayer made by the counsel for the petitioner. Therefore, the Ld. Trial Court is directed not to remove any document from one file to another till the disposal of the contempt petition of the petitioner and rectification application of the respondent No. 2.

6. The counsel for the respondent No. 2 has also no objection if the inspection of the files in question by either of the parties be made in the presence of other party. Therefore, it is further directed that the Ld. Trial Court shall ensure that if either of the parties moves application for inspection of the files in question, before allowing the same, it shall issue proper notice of the application to the other party and only in the presence of both the parties or their respective counsels, the application as well as inspection of the files should be allowed. With these directions, the petition is disposed of and CRL. MA. 12433/2017 is also disposed of accordingly.

RAJNISH BHATNAGAR, J

JANUARY 13, 2020

Sumant