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

+ TR.P.(CRL.) 88/2024, CRL.M.A. 25958/2024

CHANDRA PRAKASH SHIVHARE

.....Petitioner

Through: Ms. Sunita Gupta, Mr. Sushil Gupta,
Advs.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondents

Through: Mr. Atul Guleria, SPP, Mr. Pankaj
Kumar, Mr. Shubham Goyal, Advs.
for CBI.
Mr. Rajesh Khanna, Adv. for R-4 and
5.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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30.08.2024

1. The present petition has been filed under section 447 and 528 of the BNSS seeking transfer back of the case titled as CC/188/2019, *CBI vs. Sandeep Tiwari & Ors* in FIR No. RC No. 5A/2011/ACIII/ND/CBI from the court of Shri Sanjay Khanagwal Ld. Spl Judge, PC Act CBI-12 to the court of Shri Ashwani Kumar Sarpal, Ld. Spl Judge PC Act CBI-08.
2. Learned counsel for the petitioner submits that the matter is more than a decade old and defence evidence was concluded in 2022, pursuant to which the arguments were first heard in 2022 and 2023 before Spl. Judge Shri Vishal Gogne and when the arguments were almost at the



stage of conclusion the Learned Spl. Judge Shri Vishal Gogne was transferred and succeeded by Spl. Judge Shri Aswani Kumar Sarpal. Learned Counsel for the petitioner further submits that the matter was extensively being heard by the learned Spl. Judge Shri Aswani Kumar Sarpal and arguments of accused no. 1 to 6 had already concluded which were duly rebutted by the Public prosecutor as well. He further submits that the arguments on behalf of accused no.7 were addressed and would have concluded in a day or two. Learned counsel submits that the matter has now been transferred to court of learned Spl. Judge Sanjay Khanagwal by the Ld. Principal District & Session Judge (PC Act) CBI Rouse Avenue District Court, New Delhi vide order no. Transfer/CBI/RADC/Gaz/2024/9838-9871 dated 07.08.2024. Learned counsel for the petitioner submits that the transfer will lead to fresh hearing in the matter and the entire arguments made over the period of 1.5 years will be rendered to nullity and therefore is seeking the matter be transferred back from learned Spl. Judge Sanjay Khanagwal to learned Spl. Judge Shri Aswani Kumar Sarpal.

3. Learned counsel for the CBI submits that he has no objection if the matter is transferred back, however he submits that the transfer will set a strange precedent. Learned counsel for the other respondents states that they have no objection if the matter is transferred back.
4. This court after perusing through the record available is of the view that extensive arguments were already heard by learned learned Spl. Judge Shri Aswani Kumar Sarpal and the matter was at the stage of conclusion of the Arguments.
5. In view of the discussions, the matter case titled as CC/1881/2019,



CBIv. Sandeep Tiwari and Ors., in FIR no. RC no. 5N2011/ACIIIÂ\D/CBI, is transferred back from the court of Sh. Sanjay Khanagwal the Ld. Special Judge, PC Act CBI-12 to the court of Sh. Ashwani Kumar Sarpal, Ld. Special Judge PC Act CBI-08.

6. The Court of Sh. Sanjay Khanagwal the Ld. Special Judge, PC Act CBI-1 is requested to send all records pertaining to the matter to the court of Sh. Ashwani Kumar Sarpal, Ld. Special Judge PC Act CBI-08.
7. Parties are directed to appear before the the court of Sh. Ashwani Kumar Sarpal, Ld. Special Judge PC Act CBI-08 on 13.09.2024.
8. Copy of the order be sent to the Court of Sh. Sanjay Khanagwal the Ld. Special Judge, PC Act CBI-1, Rouse Avenue District Court, New Delhi, and the court of Sh. Ashwani Kumar Sarpal, Ld. Special Judge PC Act CBI-08 Rouse Avenue District Court, New Delhi.
9. Copy of this order be also sent to Ld. Principal District and Sessions Judge, Rouse Avenue Courts, New Delhi.

DINESH KUMAR SHARMA, J

AUGUST 30, 2024/AR/DG..