



\$~33

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

+ **TR.P.(CRL.) 57/2024**

SH. ALOK LAKHANPAL

.....Petitioner

Through: Mr. Prashant Mendiratta, Mr. Ashish Aggarwal, Ms. Neha Jain and Ms. Tanya Bhutani, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Atul Guleria, SPP with Mr. Aryan Rakesh, Mr. Pankaj Kumar and Mr. Satish Kumar, Advocates for CBI.

Mr. Sanjeev Bhandari, ASC (Criminal) with Mr. Arjit Sharma and Mr. Nikunj Bindal, Advocates for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.02.2025

%

1. Alok Lakhanpal, the Petitioner is accused in the proceedings arising from FIR *vide* RC No. 33(A)/2016 dated 28th September, 2016 under Sections 7, 8, 13(1)(d) of the Prevention of Corruption Act, 1988¹ as well as Section 120B of the Indian Penal Code, 1860². The said proceedings are pending before the Court of Ms. Jyoti Kler, Special Judge (PC Act) CBI-18, Rouse Avenue Courts, New Delhi.

2. The Petitioner contends that one Mr. Surya Chaudhary, who is the

¹ "PC Act"

² "IPC"



real brother of the presiding officer, has worked with the Petitioner as an intern/junior. In such circumstances, in order to rule out any ambiguity or perceived bias, the Petitioner has filed the present transfer petition seeking appropriate directions to re-assign the matter to another judicial officer.

3. The Petitioner had earlier brought this fact to the notice of the presiding judge and requested their recusal. The presiding officer then sent to the Principal District and Sessions Judge for appropriate orders, however, the Principal District and Sessions Judge rejected the request of the Petitioner. Thereafter, the Petitioner also filed an application under Section 410 of the Code of Criminal Procedure, 1973³, before the Principal and District & Sessions Judge, seeking transfer of the case, however, this application was also rejected *vide* order dated 20th May, 2024.

4. Mr. Atul Guleria, SPP for CBI, has also been heard and he has no objections to the transfer of the case.

5. It is noted that in the order dated 20th May, 2024, the Principal and District Judge has observed that even if the brother of the presiding officer/judge had worked with the Petitioner several years back, it would not effect the impartiality or neutrality of the judge, particularly since she had no knowledge about this fact and she had admittedly already moved to her matrimonial home when her brother was studying in school. While this Court also does not also perceive any imminent bias of the presiding judge and no fact or document to this effect has been highlighted to the Court by the Petitioner, however, in order to rule out any possibility of bias, it is considered appropriate to direct that the matter be re-assigned to any other Special Judge (PC Act) CBI for adjudication of the matter. It is ordered



accordingly.

6. With the above directions, the present petition is disposed of along with pending application(s).

7. The copy of the order be sent to the Principal District and Sessions Judge, Rouse Avenue, District Court for compliance.

SANJEEV NARULA, J

FEBRUARY 12, 2025/as

³ “CrPC”