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

+ **CRL.M.C. 6408/2025**

ABUZAR @ ANTA

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Anant Chittoria, Mr. P.C.Arya,
Mr. Prashant and Mr.Vipakshi Rana,
Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Richa Dhawan, APP for the State
alongwith SI Prahlad, P.S.-Special
Cell/SWR

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

26.09.2025

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1. The petitioner is before this Court seeking direction to transfer the present case from the learned ASJ, Patiala House Courts to learned ASJ, Karkardooma Courts for pronouncement of judgement in the present case in case FIR No. 152/2008 at Police Station Special Cell, Kalkaji for the offences punishable under Sections 302/174A/120-B/34 IPC & 25/27 Arms Act.
2. The matter was earlier heard by me and the following order was passed:-

"1. Petitioner herein is seeking direction to transfer the record of case FIR No. 152/2008 under Section 302/174A/120-B/34 IPC and Sections 25/27 of the Arms Act registered at Police Station



Special Cell to the Court of Mr.Sumit Dass, Judge, Family Court-01, Shahdara, Karkardooma Courts from the Court of Mr.Saurabh Pratap Singh Laler, ASJ-05, Patiala House Courts.

2. My attention has been drawn to the order dated 13.05.2023 passed on the Administrative side of this Court vide No. /5/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 whereby Mr.Sumit Dass placed at serial No.37, Additional Sessions Judge-05, Patiala House Courts has been transferred as Judge, Family Court-01, Shahdara, Karkardooma Courts. It transpires that prior to the transfer the learned Judge had heard the arguments in the session trial arising out of FIR No. 152/2008 under Section 302/174A/120-B/34 IPC and Sections 25/27 of the Arms Act registered at Police Station Special Cell, for as long as six months as pointed out by the learned counsel for the petitioner. It is thereafter that the judgment was reserved.

3. However, notwithstanding the transfer, the learned Judge was to pronounce the judgment within 2-3 weeks as per note-2 of the transfer order, ibid, which reads as under:

“XXXX XXXX XXXX

2. The judicial officers under transfer shall notify the cases in which they had reserved judgments/orders before relinquishing the charge of the court in terms of the posting/transfer order. The judicial officers shall pronounce judgments/orders in all such matters on the date fixed or maximum within a period of 2-3 weeks thereof, notwithstanding the posting/transfer. Date of pronouncement shall be notified in the cause list of the court to which the matter pertains as also of the court to which the judicial officer has been transferred and on the website.

XXXX XXXX XXXX”

4. It transpires that after keeping the file for three months even after his transfer, the same has now suddenly been released by the transferred judge to be reheard by the transferee Court of Mr.Saurabh Pratap Singh, placed at serial No.43 of the transfer order.

5. Notice.

6. Learned APP accepts notice and seeks time to verify the contents of the petition and to file a report if the judgment was indeed reserved by the learned Sessions Judge prior to his transfer, as has been pleaded.

7. List on 19.09.2025.”



3. Apropos, a report has been filed wherein it has been stated that On 31.05.2025, learned presiding Judge Sh. Sumit Dass was transferred from Patiala House Courts, New Delhi to Karkardooma Courts, New Delhi. Initially he carried the case file with him to deliver the final judgment/order. The matter was heard on several dates at Karkardooma Courts, but no judgment was pronounced. The case was repeatedly adjourned. Subsequently, by an order dated 24.07.2025, the file was remanded back to the transferee court of Sh. Saurabh Pratap Singh Laler, ASJ, Patiala House Courts, New Delhi.

4. In fact, the reason of not being able to pronounce the judgment despite earnest attempt by the transferor court presiding Judge has been clearly stated in no uncertain terms by the learned Presiding Officer *vide* his order dated 24.07.2025, which is reproduced herein below:-

*“Arguments have been heard by this Court. However, considering the number of issues involved and enormous number of witnesses, presence of APP and IO is required.
Let matter be placed before the concerned court on 1/8/2025”*

5. In light of the aforesaid, I am of the view that not only the independence of the judiciary has to be maintained, but even otherwise, when a judicial officer is of the mind that judgment cannot be pronounced on the material available on record and further assistance is required for certain clarifications, it becomes a matter of being put up open for hearing in the Court. Merely because the learned Presiding Officer had earlier reserved the judgment, he cannot now be forced to pronounce the same, even if he feels that he needs further assistance in the matter. Taking wholesome view of the matter, I am of the view that no interference is warranted. Let the matter be listed before the transferee Judge who shall proceed further in



accordance with law.

6. In the parting, I may hasten to add that since the trial stands concluded and the judgment at one stage was reserved and kept pending for 2 months, it would be appreciated that the transferee Judge takes up the matter on priority and dispose of the same as expeditiously as possible.

7. Accordingly, the petition stands disposed of.

ARUN MONGA, J

SEPTEMBER 26, 2025
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