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

+ **TR.P.(CRL.) 87/2025**

ASHISH BEGWANI

.....Petitioner

Through: **Mr. Shrey Sharawat, Advocate.**

versus

STATE GOVT. OF NCT OF DELH & ANR.Respondents

Through: **Mr. Tarang Srivastava, APP for the
State alongwith SI Sanjeev, P.s.-
EOW**

**Mr. Amit Chadha, Sr. Advocate
with Mr. Vijay Kasana, Mr. Harjas
Singh, Mr. Dhruv Tomwar and Mr.
Vaibhav Sharma, Advocates for R-
2**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.02.2026**

CRL.M.A. 3461/2026 (Early hearing)

1. The petitioner has filed this application seeking early hearing of the captioned petition.
2. For the reasons stated in the application, the same is allowed and the captioned petition is taken up for hearing.
3. The application stands disposed of.

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4. By way of the present petition, the petitioner seeks transfer of Criminal Revision Petition No. 432/2025, pending before the Court of the learned Additional Sessions Judge-05, South District, Saket Courts, New Delhi, to any other Court of competent jurisdiction.
5. The proceedings before the learned Sessions Court emanate from



FIR No. 115/2024 dated 31.08.2024, registered at Police Station Economic Offences Wing for offences punishable under Sections 406, 420, 477A, 468 and 409 of the Indian Penal Code, 1860 [“IPC”]. The said FIR was registered on the complaint of the present petitioner against respondent No. 2.

6. The sole ground urged by Mr. Shrey Sharawat, learned counsel for the petitioner, is one of bias and prejudice on the part of the learned Sessions Judge. It is contended that the learned Sessions Court erred both on facts and in law while passing the orders dated 24.09.2025 and 15.10.2025. According to Mr. Sharawat, the submissions made on behalf of the petitioner were not properly recorded or appreciated.

7. By order dated 24.09.2025, the learned Sessions Court dismissed the petitioner’s application seeking cancellation of anticipatory bail granted to the accused. Aggrieved thereby, the petitioner has filed CRL.M.C. No. 7613/2025, which is pending before this Court.

8. By order dated 15.10.2025, the learned Sessions Court set aside the Trial Court’s order dated 03.09.2025, which had declined permission to the accused to travel abroad, and remanded the matter to the Trial Court for fresh consideration. Pursuant to this remand, the learned Magistrate’s Court passed the order dated 18.10.2025 allowing the application seeking permission to travel abroad. The petitioner challenged the said order dated 18.10.2025 before this Court in CRL.M.C. No. 7808/2025, wherein it was observed that the accused had already travelled pursuant to the order, rendering the petition infructuous. The petition was disposed of *vide* order dated 21.11.2025, while granting the petitioner liberty to raise all legal objections before the Court of competent jurisdiction, without



any adjudication on the merits.

9. Insofar as the prayer for transfer is concerned, it is well settled that the mere passing of a judicial order, even if it is erroneous, does not, by itself, constitute a ground for transfer of proceedings.

10. The Supreme Court in *Gurcharan Das Chadha v. State of Rajasthan*¹ has held that a case may be transferred where a party demonstrates a reasonable apprehension that justice may not be done, and while it is not necessary to establish that justice will inevitably fail, the apprehension must be shown to be reasonable and based on cogent circumstances. A mere allegation or subjective fear is insufficient, as the Court must be satisfied that the apprehension appears reasonable to an objective judicial mind.

11. A co-ordinate Bench of this Court in *Ankur Mutreja v. Aviation Employees Coop. House Building Society Ltd.*,² has cautioned that while the standard for establishing bias is one of apprehension rather than proof, such apprehension must be real and reasonable, and cannot be fanciful, speculative, or a means to seek a more favourable forum. In this regard, the Court has observed that:

“21. Though the standard of bias is one of apprehension, rather than of proof, the apprehension has to be real; not merely chimerical or fanciful, or a method to somehow try one's luck before another Court.

22. Allegations of bias against a judicial officer are not to be likely made. Even issuance of notice on such an application has serious deleterious repercussions for the judicial officer concerned. Every judicial officer is expected to act without fear or favour, affection or ill will. That is the solemn oath which every judicial officer subscribes to, at the time of entering into his office. If a request for transfer such as this, alleging, without a scintilla of material, bias

¹ 1965 SCC OnLine SC 341, paragraph 13.

² 2022 SCC OnLine Del 770.



on the part of the judicial officer, is to be entertained, this Court is constrained to observe that it would be impossible for judicial officers to function dispassionately or discharge their duties without fear or favour.

23. Ordinarily, this court refrains from imposing costs on parties who prosecute their cases in person. This case, however, is an extreme example of abuse of process. It seeks, a manner completely contrary to the law, to interfere with pending proceedings and also seeks to throw a cloud on the integrity of a judicial officer without any material whatsoever.

24. I am constrained, therefore, despite the fact that the petitioner appears in person, to dismiss this petition with costs of Rs. 25,000/- to be deposited by the petitioner with the Registry of this Court by way of a crossed cheque favouring the Delhi High Court Legal Services Committee. Let the cheque be presented within a period of one week from the date of receipt, by the petitioner, of a certified copy of this order, failing which this Court would treat it as contempt.”

12. In this context, the Punjab and Haryana High Court, in its recent decision in *Dinesh Chand Bansal vs. State of Haryana*,³ has observed as under:

“14. As a squitter (sic.) to the above rumination, the following principles emerge:

- (i) The exercise of power under Section 408 Cr.P.C./448 BNSS is quintessentially a judicial function and must be exercised with circumspection and only where accentuating circumstances exist and ends of justice would otherwise be defeated.
- (ii) An application for transfer cannot be allowed upon a mere asking or the subjective whims or imaginary anxieties of a litigant. The applicant must bring forth reasonable and non-illusory grounds, substantiated by cogent material, demonstrating a legitimate threat to the purity of the trial.
- (iii) **Judicial error is not synonymous with judicial partiality and hence mere passing of an unfavourable order, or even an order subsequently set aside by a superior Court, does not ipso facto establish a foundation for bias or prejudice.**
- (iv) To prevent the abuse of process and the practice of forum shopping, the Sessions Court must strictly enforce the provisions of Section 408 (3) Cr.P.C./448(3) BNSS, imposing

³ CRM-M-72601/2025, decided on 30.01.2026.



costs on any party preferring frivolous or vexatious transfer application.

- (v) *No universal guidelines or parameters can possibly be enumerated for exercise of power of transfer jurisdiction of the Sessions Court as every case has its own unique factual conspectus.”⁴*

13. Applying these principles to the present case, even taking the petitioner’s case at its highest, the grievance articulated is confined to alleged errors in judicial decision-making, asserted omissions in the appreciation of material, and dissatisfaction with the manner in which discretion has been exercised by the learned Sessions Court. Such grievances, however elaborately presented, relate solely to challengeable judicial orders and are amenable to correction under the law. The petitioner has already availed of the legal remedies available in respect of the abovementioned orders. While contentions have been raised regarding the non-consideration of certain materials and documents, the perceived omissions do not displace the presumption of impartiality, that attaches to judicial acts. They remain subject to review before the appropriate forum.

14. The apprehension projected by the petitioner rests essentially on adverse orders, perceived non-consideration of certain submissions, and alleged procedural irregularities in connected proceedings arising out of the same FIR. These factors, even if assumed to be correct for the purposes of the present petition, cannot by themselves constitute a legally sustainable ground for transfer. To accept such contentions would blur the well-recognised distinction between judicial error and judicial bias, and would effectively allow the extraordinary power of transfer to be invoked in place of the statutory remedies available against unfavourable



orders.

15. The record does not disclose any material circumstance indicative of extraneous influence, personal interest, or predisposition on the part of the learned Judge so as to give rise to a reasonable apprehension that justice would not be done. Viewed cumulatively, the apprehensions raised in the present case do not disclose any real, reasonable, or *bona fide* apprehension of denial of fair adjudication. They, therefore, fall short of the stringent threshold required for an order of transfer from one judge to another.

16. The petition is accordingly dismissed, subject to costs of Rs.15,000/- being imposed upon the petitioner, to be deposited with the Delhi High Court Bar Association Costs Account [A/C No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch], within a period of two weeks.

17. The next date of hearing, i.e. 20.04.2026, stands cancelled.

18. It is made clear that the observations in this order are only for the purposes of deciding the present transfer petition, and will not prejudice the rights and contentions of the parties in pending proceedings, either before this Court or before the Sessions Court.

PRATEEK JALAN, J

FEBRUARY 2, 2026

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⁴ Emphasis supplied.