

23-01-2023

Present: Applicant/Petitioner in person.

Sh. Maqsood Ahmed, Ld. Chief PP for the State.

Sh. Gajraj Singh, Ld. counsel for the respondents
no. 2 and 3.

I have already heard upon the petition/application seeking transfer of the criminal case no. 533051/2016 titled as State vs Yogesh Kumar u/s 323/506/34 IPC from the court of Sh. Vaibhav Chaurasia, Ld. MM, North West, Rohini Courts to any other court.

I have perused the material on record.

Ld. LAC for the applicant/petitioner argued that ld. MM misbehaved with the applicant/petitioner made pressurized to him to settle the matter with the accused persons or to shift his residence and since then he is living under the fear and has no faith in the court of ld. MM. Hence, the said case may be transferred from his court to any other court.

Ld. counsel for the respondents argued that the allegations levelled by the applicant/petitioner are false. Son of the respondent who is also practising advocate and his junior counsel was present on relevant day. There was no stay on this transfer petition. The cross-examination was conducted at length for about three hours. One of the cases is of 20 years old matter and the matter was to be taken up on priority basis by the Ld. Trial Court. It is not a genuine reason for transfer of the matter. Such allegation was made earlier in the court of Mr. Devender Jangala the then Ld. MM.

In view of the reasons mentioned in the transfer petition and facts and circumstances of the case, I am of the considered opinion that there are three criminal cases against the parties-herein pending in the same trial court. The main matter before the Ld. Trial Court is stated to be 20 years old and the Ld. Trial Court is making efforts to settle / dispose off the matter expeditiously. There are baseless allegations levelled against the concerned Judge as per the discussions made above. No genuine or valid ground is made out for transfer of the aforesaid case. The present petition / application is accordingly dismissed. Copy of this order be sent to the Ld. Trial Court. Copy of this order be given dasti to parties. The present transfer petition be consigned to Record Room.

(Yashwant Kumar)
Principal District & Sessions Judge
North West District, Rohini Courts
Delhi/ 23.01.2023