

**IN THE COURT OF MS. SUJATA KOHLI, PRINCIPAL DISTRICT & SESSIONS
JUDGE-CUM-SPECIAL JUDGE (PC ACT) (CBI), ROUSE AVENUE DISTRICT
COURT, NEW DELHI**

**CC No. 31/2020
FIR No. 605/2015
PS ACB
CBI Vs. Amit Yadav**

29.09.2020

Present: Sh. Umesh Chander Saxena, Sr. PP for CBI.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Case has been received from the Court of Sh. Harjyot Singh Bhalla, Ld. CMM, Rouse Avenue District Court, New Delhi vide order dated 04.09.2020.

I have perused the said order of Ld. CMM, RADC, New Delhi. It has been observed that the present case has not been investigated by the CBI and has been registered by Delhi Police (Anti-corruption Branch) and the offences fall under the provisions of IPC and the cognizance of IPC offences is to be taken by a Magistrate.

In view of the above, the present matter has to be transferred to some other District Court for assigning to concerned Court of Magistrate.

However, as per the provisions of Section 407 CrPC, if a case is to be transferred from the division of one District & Sessions Judge to the division of another District & Sessions Judge, it would be only, and only the Hon'ble High Court, which shall be empowered to entertain and decide the issue of transfer of the matter.

The following two provisions need to be referred as hereunder:

The following two provisions need to be referred as hereunder:

“407 CrPC. Power of High Court to transfer cases and appeals.

(1)Whenever it is made to appear to the High Court-

(a)that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b)that some question of law of unusual difficulty is likely to arise, or

(c)that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,

it may order-

(i)that any offence be inquired into or tried by any Court not qualified under sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence;

(ii)that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

(iii)that any particular case be committed for trial to a Court of Session; or

(iv)that any particular case or appeal be transferred to and tried before itself.

(2)The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative: Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.

(3)Every application for an order under sub- section (1) shall be made by motion, which shall, except when the applicant is the Advocate- General of the State, be supported by affidavit or affirmation.

(4)When such application is made by an accused person, the High Court may direct him to execute a bond, with or without sureties, for the payment of any compensation which the High Court may award under sub- section (7).

(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with copy of the grounds on which it is made; and no order shall be made on of the merits of the application unless at least twenty- four hours have elapsed between the giving of such notice and the hearing of the application.

(6) Where the application is for the transfer of a case or appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interests of justice, order that, pending the disposal of the application, the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose: Provided that such stay shall not affect the subordinate Court' s power of remand under section 309.

(7) Where an application for an order under sub- section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.

(8) When the High Court orders under sub- section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.

(9) Nothing in this section shall be deemed to affect any order of Government under section 197.”

“408 CrPC. Power of Sessions Judge to transfer cases and appeals.

(1) Whenever it is made to appear to a Sessions Judge that an order under this sub- section is expedient for the ends of justice, he may order that any particular case be transferred from one Criminal Court to another Criminal Court in his sessions division.

(2) The Sessions Judge may act either on the report of the lower Court, or on the application of a party interested, or on his own initiative.

(3) The provisions of sub- sections (3), (4), (5), (6), (7) and (9) of section 407 shall apply in relation to an application to the Sessions Judge for an order under sub- section (1) as they apply in relation to an application to the High Court for an order under subsection (1) of section 407, except that sub- section (7) of that section shall so apply as if for the

words" one thousand rupees" occurring therein, the words" two hundred and fifty rupees" were substituted."

In view of the provisions of Section 407 CrPC, referred above, let this file be placed before the Hon'ble High Court for further appropriate orders.

Ahlmad is directed to send the case file immediately to the Ld. Registrar General, Delhi High Court with a request to place the matter before the Hon'ble High Court for further orders.

Parties and Ld. Counsel(s) are directed to appear before the Ld. Registrar General, Delhi High Court on 08.10.2020 at 10.30 AM.

A copy of this order be sent to the concerned Court of Ld. CMM, RADC, New Delhi.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act)(CBI)/RADC/ND/29.09.2020

Crl. Revision No. 07/2020
Rajesh Gulati Vs. CBI and Another

29.09.2020

Present: Sh. Gaurav Dalal, Ld. Counsel for the revisionist/accused.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/R-1.
Sh. Shivam Batra, Advocate for complainant/R-2.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Ld. Counsel for complainant submits that he does not wish to file any written reply and would address the arguments directly.

Ld. Counsel for the revisionist/accused makes a submission that the revisionist/accused had very well deposited the cost with DLSA Central, however, they are not able to trace the receipt.

In view of the submission of Ld. Counsel for the revisionist and to avoid any unnecessary delay, **Ahlmad is directed to call a report from the DLSA Central regarding the deposition of the cost. The report be made available at least one day prior to the next date of hearing.**

Ld. Counsel for the revisionist further submits that entire case file has been misplaced during the lockdown. **Accordingly, let a scanned copy of the entire revision file be provided to him through electronic means.**

At this stage, Ld. Counsel for revisionist requests for taking up the matter through physical Court hearing. Ld. Sr. PP for the CBI and Ld. Counsel for R-2 have also no objection if the matter is taken up through physical Court hearing.

Accordingly, list on 07.10.2020 at 02.30 PM for final arguments through physical Court hearing.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

Criminal Revision No. 06/2020
Amrit Pal Singh Vs. CBI

29.09.2020

Present: Sh. P.K. Dubey with Sh. Abhimanshu Dhyani and Sh. Anurag Andley, Advocate for the revisionist.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/respondent.

Matter was taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Detailed arguments addressed by Ld. Sr. PP for CBI. Arguments in rebuttal also addressed by Ld. Counsel for the revisionist.

Reference has been made to certain applications filed by the accused before the Ld. Trial Court on as many as five occasions seeking similar kind of relief. Ld. Sr. PP submits that revisionist/accused is indulging in deliberate delay tactics.

Ld. Counsel for the revisionist strongly opposes this submission. He submits that the delay was caused on the part of the CBI and for other reasons. He further submits that there is no deliberate delay caused on the part of revisionist/accused.

Ld. Counsel for the parties are requested to prepare a gist of the five applications i.e. the dates of applications alongwith documents sought and the result of the applications. **The same be given by both the parties within seven days from today electronically.**

Ahlmad is directed to flag/mark the relevant pages of the electronic TCR regarding the said papers.

List on 13.10.2020 at 02.30 PM for orders.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch for uploading on official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

**Criminal Revision No. 31/2020
CBI Vs. M/s Intercon Infotech Private Limited and Others**

29.09.2020

**Present: Sh. Umesh Chandra Saxena, Sr. PP for CBI/revisionist.
Sh. Kunal Sharma with Sh. Shubhendu Bhattacharya,
Advocate for R-1 (office liquidator).
Sh. Hardik Sharma, Advocate for Vikas Mehra (R-3),
Harmeek Chahal (R-9) and HM informatics (R-10).
Sh. R. S. Ahuja, Advocate for Ashwani Wadhva (R-2),
Suresh Verma (R-4), Kunatully Balan Santosh (R-5), M/s
Digitec Computers (R-6) and M/s Kopou Infosystem (R-
7).
Sh. Madhukar Pandey and Sh. Umesh Kumar Singh,
Advocates for M/s Intercorn Recyclopolis (R-11).
Sh. Naveen Kumar and Rinku Kumar Garg, Advocates for
R-8 Manoj Garg.
IO/Insp. Neelam Raj from CBI.**

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Appearance on behalf of R-1 and R-8 stands complete.

As regards R-12, IO submits that she had sent notices at the registered addresses of M/s Sahara Fincon Pvt. Ltd. (R-12), but the premises were either found locked or no company existed in the name of Sahara Fincon at the given addresses. She had also emailed at the email address of the company, but she also did not receive any bounce back/failure report.

Upon a court query, IO submits that there are two directors of the said company namely one Mr. Dinesh Jain and one Mr. Garg.

IO is directed to find the names, complete addresses and email IDs of the said Directors and to serve them for the next date of hearing.

Ld. Counsel for R-8 submits that copy of the revision has not been supplied to him. **Let a copy of the same be provided to him through electronic means.**

List on 12.10.2020 at 02.00 PM for completion of appearance of R-12.

A copy of this order be provided to IO electronically.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

**Criminal Revision No. 11/2020
Siddharth Chandra Vs. CBI**

29.09.2020

Present: Sh. Hardik Sharma, Advocate for revisionist.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance.

Till then, interim orders to continue.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

Criminal Revision No. 14/2020
Ashwani Wadhva Vs. CBI

29.09.2020

Present: Sh. Radhey Shyam Ahuja, Advocate for Revisionist.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance.

Till then, interim orders to continue.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

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(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

Criminal Revision No. 18/2020
Suresh Verma & Anr. Vs. CBI

29.09.2020

Present: Sh. Radhey Shyam Ahuja, Advocate for Revisionists.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance.

Till then, interim orders to continue.

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(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

**Criminal Revision No. 20/2020
Harmeek Chahal Vs. CBI**

29.09.2020

**Present: Sh. Manish Pratap Singh, Advocate for revisionist.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.**

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Ld. Counsel for the revisionist makes a submission that he had moved an application for condonation of delay and the same is pending on record. **Let a copy of the same be supplied to Ld. Sr. PP electronically.**

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance as well as consideration on application for condonation of delay.

Till then, interim orders to continue.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

A copy of this order be sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADDC/ND/29.09.2020

Criminal Revision No. 22/2020
M/s H.M. Informatics Pvt. Ltd. Vs. CBI

29.09.2020

Present: Sh. Manish Pratap Singh, Advocate for revisionist.
Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance.

Till then, interim orders to continue.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

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(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

**Criminal Revision No. 23/2020
Vikas Mehra Vs. CBI**

29.09.2020

Present: Sh. Hardik Sharma, Advocate for revisionist.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

List on 12.10.2020 at 02.00 PM alongwith connected/cross revision(s) for completion of appearance.

Till then, interim orders to continue.

Hard copy of this ordersheet be placed on record on the next scheduled day for physical hearings by this Court.

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(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020

Criminal Revision No. 29/2020
M/s Intercorn Recyclopolis Pvt. Ltd. Vs. CBI

29.09.2020

Present: Sh. Madhukar Pandey, Advocate for Revisionist.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

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(SUJATA KOHLI)

Principal District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/29.09.2020