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K V.S. RAO

v.

C.B.I. & ORS

(Transfer Petition (Crl.) No 89 of 2013 etc.)

B

MARCH 10, 2014

[P. SATHASIVAM, CJI AND RANJAN GOGOI, J.]

TRANSFER PETITIONS:

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Transfer of cases - Cases against accused pending in Special Court, Lucknow and Special Court, Delhi - Held: It is the settled principle of law that when two or more cases are pending against the petitioners/respondents which are similar in nature, cases can be transferred from one court to another

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- Petitioners have made out a case for transfer - Taking note of the fact that most of the witnesses are either doctors or officers working in respective medical colleges and also that the ultimate decision was taken only at the ministerial level which is at Delhi, in the interest and convenience of all parties,

E

all the cases are to be tried together at Delhi - Therefore, Criminal Case No. 5 of 2013 pending before the Court of Special Judge, Anti Corruption No. 4, CBI, Lucknow, is ordered to be transferred to the Court of Special Judge, C.B.I, Patiala House, New Delhi and is to be heard along with Criminal Case No. 3 of 2012.

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CRIMINAL ORIGINAL JURISDICTION : Transfer Petition (Crl.) No. 89 of 2013.

WITH

G

T.P. (Crl.) Nos. 100, 108, 124 & 125 of 2013.

Sidharth Luthra, ASG, Mukul Rohtagi,, Huzefa Ahmadi, Dayan Krishnan, C.D. Singh, Sakshi Kakkar, Abdhesh Choudhary, Amit Kumar, Sanjay Singh, Sanjit Kumar, Rajiv Ranjan Dwivedi, S.D. Singh, Bharti Tyagi, Jitender Singh, Nikhil

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Nayyar, Ambuj Agrawal, Akansha, Dhananjay Baijal, Kumud Lata Das, Rajiv Nanda, Meenakshi Grover, Supriya Juneja, C.K. Sharma, B.V. Balaram Das for the appearing parties. A

The following Order of the Court was delivered

O R D E R B

1. Heard learned senior counsel appearing on behalf of the petitioners as well as learned Additional Solicitor General appearing on behalf of the respondent-CBI. C

2. After going into all the details furnished in the transfer petitions as well as the counter affidavit filed by the C.B.I., we are of the view that the petitioners have made out a case for transfer. It is the settled principle of law that when two or more cases are pending against the petitioners/respondents which are similar in nature can be transferred from one Court to another. In the case on hand the only objection projected by the learned Additional Solicitor General is that apart from the official witnesses, the other witnesses have to come from various places viz. Kanpur, Rampur, Bareilly, Ahmedabad, Lucknow, Patna, Kolkata, Rohtak, Latur, Chennai and Mumbai. D E

3. Taking note of the fact that most of the witnesses are either doctors or officers working in respective medical colleges and also of the fact that the ultimate decision was taken only at the ministerial level which is at Delhi, we feel that in the interest and convenience of all parties, all these cases are to be tried together at Delhi. Therefore, Criminal Case No. 5 of 2013 titled as Central Bureau of Investigation Vs. Dr. Keshav Kumar Agarwal & Ors. registered on the basis of the F.I.R. No. RC0062010A0014 of 2010 dated 22.5.2010 pending before the Court of Special Judge, Anti Corruption No. 4, CBI, Lucknow, is ordered to be transferred to the Court of Special Judge, C.B.I, Patiala House, New Delhi and is to be heard along with Criminal Case No. 3 of 2012 titled as *Central Bureau of Investigation Vs. Dr. Anbumani Ramadoss & Ors.* F G H

A 4. The transfer petitions are allowed accordingly.

5. After transfer and receipt of all the required records, the transferee Court is directed to take all endeavour for early completion of the trial.

B 6. In view of the order in transfer petitions, no order is required in Criminal Miscellaneous Petition for discharge of earlier advocate.

R.P.

Transfer Petitions allowed.