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

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*Judgment reserved on: 19.12.2025**Judgment pronounced on: 05.01.2026**Judgment uploaded on: 06.01.2026*+ **CRL.M.C. 9064/2025 & CRL.M.A. 37956/2025**

PARVESH MANN @ SAGAR MANN .....Petitioner

Through: Mr. Avi Kalra, Mr. Prateek Lakra and Ms. Arya Pathak, Advocates.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for State along with Insp. Ravi Tushir, Special Cell NR.

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****Index to the Judgment**

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## DR. SWARANA KANTA SHARMA, J

1. The petitioner has approached this Court seeking transfer of Sessions Case No. 143/2020, arising out of FIR No. 207/2019, registered at Police Station Special Cell, Delhi, for offences punishable under Sections 3 and 4 of the Maharashtra Control of Organised Crime Act, 1999 [hereafter 'MCOCA'], from the Court of the learned ASJ-03, Patiala House Courts, New Delhi, to the learned Predecessor Judge, who is presently posted as learned Judge, Family Court-02, North-East District, Karkardooma Courts, Delhi, for the limited purpose of pronouncement of judgment. The said prayer is founded upon Order No. 45/D-3/Gaz.IA/DHC/2025 dated 18.11.2025 and Order No. 48/D-2/Gaz.IA/DHC/2025 dated 26.11.2025, issued by the learned Registrar General of this Court.

### FACTUAL BACKGROUND

2. Brief facts of the case are that the petitioner is the main accused in the aforesaid FIR pertaining to an organised crime syndicate allegedly being run by him along with his associates. The FIR was registered in the year 2019 and the chargesheet was filed on 17.07.2020. The trial thereafter commenced and prosecution evidence concluded on 15.10.2024. Final arguments on behalf of the petitioner concluded on 06.03.2025, and those on behalf of the remaining accused persons concluded on 05.04.2025. Final arguments on behalf of all the accused persons as well as the State, including rebuttal, were concluded on 04.07.2025, whereupon the matter was reserved



for judgment and fixed for pronouncement on 30.07.2025.

3. The judgment, however, could not be pronounced on the scheduled date and on subsequent dates. On 07.11.2025, the learned Predecessor Judge was ready to pronounce the judgment but deferred the same as the accused persons were appearing through video conferencing and were directed to be produced physically on 28.11.2025. In the interregnum, the learned Predecessor Judge was transferred *vide* order dated 18.11.2025. Consequently, the matter came up before the learned Successor Judge on 28.11.2025, and thereafter stood transferred back and forth between the learned Predecessor Judge and the learned Successor Judge, ultimately resulting in directions by the learned Successor Judge for rehearing of final arguments from 06.01.2026 to 09.01.2026.

#### **SUBMISSIONS BEFORE THE COURT**

4. The learned counsel appearing for the petitioner argues that the final arguments had already been fully addressed before the learned Predecessor Judge and that the matter has remained reserved since 04.07.2025. It is contended that the case had been reserved for judgment prior to the issuance of the transfer order dated 18.11.2025. It is further argued that the subsequent order dated 26.11.2025, issued in continuation of the earlier transfer order, specifically mandated that judicial officers who were transferred were required to prepare a list of matters in which judgments or orders had been reserved and to pronounce the same either on the date already fixed or, in any event,



within a period of two to three weeks from the date of transfer. According to the petitioner, the learned Predecessor Judge did not adhere to the said mandate and instead transferred the present case to the learned Successor Judge, who has now directed rehearing of the final arguments. It is submitted that directing a rehearing at this advanced stage would result in undue delay in the adjudication of the case and would cause grave prejudice to the petitioner. In support of the said submissions, reliance has been placed upon the judgments in ***B.D. Sharma v. State of NCT of Delhi & Anr., 2025:DHC:5607;*** ***Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar:*** (1980) 1 SCC 108; and ***Anil Rai v. State of Bihar:*** (2001) 7 SCC 318.

5. The learned APP for the State, on the other hand, submits that the learned Predecessor Judge had heard the arguments in the present case and had reserved the matter for pronouncement of judgment. However, it is contended that the learned Predecessor Judge has transferred the case to the learned Successor Judge as certain clarifications were required to be sought from the I.O. for the fair adjudication of the matter, and after his transfer, he could only have proceeded to pronounce the judgment and not sought such clarifications, which is why the case has now been transferred. Thus, there is no infirmity with the orders impugned herein.

6. This Court has **heard** arguments addressed by the learned counsel for the petitioner and the learned APP for the State and



perused the material on record.

## **ANALYSIS & FINDINGS**

### **The Issue**

7. The issue which arises for consideration is whether, in the facts and circumstances of the present case, the learned Predecessor Judge was required to pronounce the judgment after reserving the matter, notwithstanding his transfer, in terms of the transfer orders issued on the administrative side of this Court, or whether the direction for rehearing of final arguments by the learned Successor Judge can be sustained in law.

### **Chronology of Proceedings After Conclusion of Final Arguments & Judgment being Reserved**

8. To place the relevant dates and events in proper perspective, it is apposite to note that in the present case, final arguments on behalf of all the accused persons as well as the State were concluded on 04.07.2025, whereafter the learned Predecessor Judge reserved the matter for judgment. The judgment was initially fixed to be pronounced on 30.07.2025. However, the judgment could not be pronounced on the said date and on subsequent dates owing to certain procedural contingencies. As informed to this Court at the Bar, during this period, the learned Predecessor Judge had also sought certain clarifications from the I.O. The record of the trial court reflects that after the matter was reserved on 04.07.2025, it was listed for pronouncement of judgment on 30.07.2025, 23.08.2025,



25.09.2025, 09.10.2025 and 25.10.2025.

9. Thereafter, on 07.11.2025, the petitioner along with the remaining accused persons was produced before the learned Predecessor Judge through video conferencing for the purpose of pronouncement of judgment. On that date, however, the learned Predecessor Judge directed that the accused persons be produced physically before the Court on the next date of hearing, i.e., 28.11.2025. The order passed in this regard reads as under:

“All accused have been produced from Judicial Custody through VC. For pronouncement of judgement, accused persons are directed to be produced physically on 28.11.2025.”

10. In the interregnum, *vide* Transfer Order No. 45/D-3/Gaz.IA/DHC/2025 dated 18.11.2025, the learned ASJ-03, Patiala House Courts, i.e., the learned Predecessor Judge, was transferred and posted to the North-East District, Karkardooma Courts. The said transfer order itself, under Note No. 2 appended thereto, specifically provided as follows:

“Notes:-

1. xxx xxx

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.”



11. Subsequently, on 26.11.2025, another order issued in continuation of the earlier transfer order reiterated the aforesaid ***direction issued by Hon'ble the Chief Justice***, mandating pronouncement of reserved judgments by the transferred judicial officers within the stipulated time.

“In continuation of order No. 47/D-2/Gaz.IA/DHC/2025 dated 18.11.2025, Hon’ble the Chief Justice of this Court has been pleased to make the following directions:

*“The judicial officers under transfer shall notify the cases in which they had reserved judgements/orders before relinquishing the charge of the court in terms of the posting/transfer order. The judicial officers shall pronounce judgements/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.”*

12. Despite the aforesaid mandate, when the matter was listed on 28.11.2025, it came up before the learned Successor Judge, who directed that the case be listed for rehearing of final arguments from 06.01.2026 to 09.01.2026. The order dated 28.11.2025 records as under:

- “1. This matter is at the stage of Judgment
2. Ld. Predecessor of this Court had heard final arguments. In order to avoid prejudice, I need to re-hear the final arguments.
3. Put up for final arguments on **06.01.2026 till 09.01.2026 at 02:00PM**. Parties are given liberty to file written submissions, if they have not filed, within 20 days from now by supplying advance copy of the same to opposite parties...”



13. Later on the same day, the matter was again taken up at about 2:00 PM, whereupon the learned counsel for the petitioner submitted that the learned Predecessor Judge had already fixed the matter for 03.12.2025 for pronouncement of judgment. The relevant portion of the subsequent order reads as under:

“1. This matter is at the stage of Judgment

2. Ld. Counsel for the accused Parvesh Mann, Gaurav Tyagi and Ajay Mann has submitted that he has joined the proceedings virtually with the ld. Predecessor Judge of this court, who was transferred vide order No. 45/D-3/Gaz.IA/DHC/2025 dated 18.11.2025, as Judge, Family Court-02, North East KKD, Delhi. He has further submitted that Ld. Predecessor has told him that matter is kept for 03.12.2025 in post-lunch sessions for pronouncement of judgement. Accordingly, matter is adjourned and be listed on 03.12.2025.

3. Next date of hearing i.e. 06.01.2025 to 09.01.2025 stands cancelled...”

14. On 03.12.2025, the matter was taken up by the learned Predecessor Judge. On that date, the learned Predecessor Judge observed that certain clarifications were required from the I.O. and that the presence of the I.O. would be necessary for the same. Observing that such proceedings could not be conducted by him after his transfer, the learned Predecessor Judge directed that the file be placed before the learned Successor Judge. The relevant portion of the order dated 03.12.2025 reads as under:

“ The matter was reserved for judgment and is therefore, taken up by undersigned in terms of transfer order No. Endst. No. 6260-6294/D-3/Gaz..IA/ DHC/2025 dated 18.11.2025 for passing the judgment.



In the present matter, certain clarifications are required which would require presence of IO and hearing of further submissions. However, since these proceedings now cannot be conducted by undersigned after his transfer from the court where this matter is originally pending, it is directed that file be placed before Ld. Successor Court on **04.12.2025** at **12.30 pm** with request to pass further appropriate directions. Copy Dasti. Jail Authorities are directed to produce the accused persons before Ld. ASJ-03, New Delhi District, Patiala House Courts, New Delhi on the said date and time.”

15. Thereafter, on 04.12.2025, the matter was taken up before the learned Successor Judge, who once again directed rehearing of final arguments and fixed block dates from 06.01.2026 to 09.01.2026. The relevant portion of the order reads as follows:

“2. In terms of the last Order, Ld. Predecessor of this court had noted that certain clarifications are required in the presence of the I.O.  
3. As such final arguments were heard by my Ld. Predecessor.  
4. In order to avoid prejudices, this matter is now fixed for Final Arguments. Block dates are given for completion of Final Arguments, i.e. from 06.01.2026 to 09.01.2026. Arguments will be heard at 02:00 PM.”

16. *In above background*, this Court notes that the judgment in the present case was reserved by the learned Predecessor Judge on 04.07.2025 and was thereafter listed for pronouncement on several dates, including 30.07.2025, 23.08.2025, 25.09.2025, 09.10.2025, 25.10.2025 and 07.11.2025. On 07.11.2025, the learned Predecessor Judge was ready to pronounce the judgment; however, the same could not be pronounced as the accused persons were produced through video conferencing and were directed to remain physically



present before the Court on the next date, i.e., 28.11.2025. Before the said date could arrive, the learned Predecessor Judge came to be transferred. Consequently, on 28.11.2025, the matter was taken up by the learned Successor Judge, who adjourned the matter to 03.12.2025 for pronouncement of judgment by the learned Predecessor Judge. On 03.12.2025, however, the learned Predecessor Judge transferred the matter to the learned Successor Judge on the ground that certain clarifications were required to be sought in the matter, which would necessitate the presence of the Investigating Officer.

17. This sequence of events assumes significance, as the record reflects that the learned Predecessor Judge was *prepared to pronounce the judgment on 07.11.2025* and deferred the same only on account of the physical non-presence of the accused persons.

#### **Effect of Transfer Orders and Binding Directions of This Court**

18. It is also pertinent to note that the transfer order dated 18.11.2025, under Note (2) appended thereto, specifically mandated that all transferred judicial officers shall notify the cases in which judgments or orders had been reserved prior to relinquishing charge and shall pronounce such reserved judgments or orders within a period of two to three weeks from the date of transfer, notwithstanding such posting or transfer. These directions were reiterated by the subsequent order dated 26.11.2025, issued in continuation of the earlier transfer notification, *on the directions of the Hon'ble Chief Justice of this Court.*



19. This Bench also, in *B.D. Sharma v. State of NCT of Delhi & Anr.* (*supra*), had dealt with an identical issue and held, *inter alia*, that upon transfer, a Presiding Officer shall prepare a consolidated list of all cases in which orders or judgments have been reserved but not yet pronounced and submit the same to the concerned District Judge prior to relinquishing charge, and shall remain duty-bound to pronounce such judgments or orders on the dates already fixed or, in any event, within two to three weeks from the date of transfer, strictly in accordance with the notes appended to the transfer list. The relevant directions issued in the said judgment, which were also circulated to all judicial officers in Delhi, read as under:

“28. Henceforth, it is hereby directed that in all cases where a Presiding Officer is transferred and has reserved judgments/orders prior to relinquishing charge, the following protocol shall be mandatorily followed:

- A. The Presiding Officer being transferred shall prepare a comprehensive list of all cases in which orders or judgments have been reserved by them but not yet pronounced.
- B. This list shall be submitted to the concerned District Judge before the date of relinquishing charge.
- C. The Presiding Officer shall remain dutybound to pronounce judgments/orders in all such matters on the date already fixed or, at the latest, within 2-3 weeks from the date of their transfer, as noted above, and in accordance with the notes appended to the transfer list.
- D. The District Judge of the concerned district shall ensure compliance with the above directions and facilitate the pronouncement of judgments/orders by the transferred Presiding Officer in accordance with the mandate of the transfer list.”

20. It is required to be noted that in the present case, the learned



Predecessor Judge neither complied with the instructions issued alongside the transfer orders by the Hon'ble Chief Justice nor adhered to the directions laid down by this Court in *B.D. Sharma v. State of NCT of Delhi & Anr.* (*supra*). Instead, the matter was transferred to the learned Successor Judge, despite the fact that final arguments had already been heard and the judgment stood reserved. The directions referred to above expressly required the submission of a list of all reserved judgments and their pronouncement on the date already fixed or, at the latest, within a period of two to three weeks from the date of transfer.

21. Once final arguments had been fully heard, the learned Predecessor Judge was bound to pronounce the judgment. Directing a rehearing of arguments in such circumstances not only defeats the mandate of the transfer orders and the law laid down by this Court, but also results in avoidable delay in adjudication and places an unnecessary burden upon the learned Successor Judge, who is compelled to rehear a matter that has already been fully argued.

#### **Timelines for Pronouncement of Judgment**

22. It is also material to note that the trial in the present case stood concluded on 04.07.2025, when the matter was reserved for judgment and fixed for pronouncement on 30.07.2025. Section 353 of the Cr.P.C. provides that the judgment in every trial before a criminal court of original jurisdiction shall be pronounced in open court immediately after the termination of the trial or at some subsequent



time, of which notice shall be given to the parties or their pleaders. Although the statute does not prescribe a specific time-limit for such “subsequent time”, the Hon’ble Supreme Court in *Anil Rai v. State of Bihar (supra)* has clarified that the same should not ordinarily exceed six weeks. The relevant observations are as under:

“8. The intention of the legislature regarding pronouncement of judgments can be inferred from the provisions of the Code of Criminal Procedure. Sub-section (1) of Section 353 of the Code provides that the judgment in every trial in any criminal court of original jurisdiction, shall be pronounced in open court immediately after the conclusion of the trial or on some subsequent time for which due notice shall be given to the parties or their pleaders. **The words "some subsequent time" mentioned in Section 353 contemplate the passing of the judgment without undue delay, as delay in the pronouncement of judgment is opposed to the principle of law. Such subsequent time can at the most be stretched to a period of six weeks and not beyond that time in any case.** The pronouncement of judgments in the civil case should not be permitted to go beyond two months.”

(Emphasis added)

23. The BNSS, 2023 also, by virtue of Section 258, prescribes a time-limit of 30 to 45 days for pronouncing judgment in a criminal trial, after conclusion of trial.

#### **Assessment of the Impugned Course of Action and Resultant Prejudice Caused to the Accused**

24. What weighs significantly with this Court is the manner in which the matter was repeatedly listed for pronouncement of judgment by the learned Predecessor Judge. The record reflects that the case was fixed on several dates exclusively for pronouncement



and, in particular, on 07.11.2025, the order sheet reveals that learned Predecessor Judge was prepared to pronounce the judgment but deferred the same only for the reason that the accused persons were appearing through video conferencing and were directed to remain physically present before the Court. It is also relevant that the said order mentioned that one of the accused i.e. the petitioner herein was a high-risk category prisoner, and accordingly, it was directed that appropriate measures be taken to produce him physically on 28.11.2025. No clarification of any nature was sought from the I.O. on that date. This sequence of events leaves little room for doubt that the judgment was, in fact, ready for pronouncement. Had the learned Predecessor Judge expressed, even *prima facie*, that the judgment was not ready due to any pending clarification, the conclusion of this Court may have been different.

25. The subsequent observation made on 03.12.2025, that certain clarifications were required from the I.O., therefore, when seen in the backdrop of repeated listings for pronouncement over a period of nearly five months, raises serious concerns. It is difficult to reconcile the readiness to pronounce judgment on 07.11.2025 with the later position that the matter required further clarification. Judicial proceedings cannot oscillate between readiness and uncertainty in this manner, particularly after the trial has concluded and the case has stood reserved for judgment for a considerable period of time i.e. for about five months.



26. This Court is also conscious of the practical and constitutional implications of directing a de-novo rehearing of final arguments at this stage. Re-hearing a matter of this nature, involving multiple accused and a lengthy trial under a special statute, would inevitably consume substantial time. The petitioner has already been in judicial custody for more than five years. After the conclusion of trial, the accused waited for another five months for the pronouncement of judgment. For an accused, especially one in custody, the period after the judgment gets reserved, each day is spent in anxious anticipation of the outcome. To now compel the accused to undergo another round of final arguments before a new judge would amount to prolonging uncertainty and, in effect, would result in serious prejudice.

27. Courts must remain mindful of the human element inherent in criminal adjudication. While procedural fairness is undoubtedly important, it cannot be carried to an extent that defeats substantive justice. In the present case, directing a rehearing would not further fairness; instead, it would cause avoidable delay and hardship to the accused and undermine the finality of a trial that has already concluded.

28. Equally important is the institutional dimension of the issue. The directions contained in Note (2) appended to the transfer order dated 18.11.2025, and reiterated by the subsequent order issued on the directions of Hon'ble the Chief Justice of this Court, were neither



casual nor optional. They were issued precisely to avoid situations such as the present one, where reserved judgments remain unpronounced due to transfers. Permitting a departure from these directions on the ground of belatedly perceived “clarifications” would, in effect, dilute their binding nature and open the door to circumvention. Such an approach, if accepted, may create a precedent where matters in which judgments have already been reserved are, after transfer of the Presiding Officer, sent back to the successor court on tenuous grounds, thereby unsettling the settled procedure governing pronouncement of reserved judgments and introducing avoidable uncertainty into the judicial process.

29. It is again clarified that this is not a case where, immediately upon reserving judgment, the learned Predecessor Judge found it necessary to seek any clarification and acted accordingly. On the contrary, ***the matter remained reserved for nearly five months***, despite the settled legal position that judgments ought to be pronounced immediately or not later than six weeks, as held by the Hon’ble Supreme Court, and as per BNSS, within 30 to 45 days. During this entire period, the case was repeatedly listed only for pronouncement of judgment, and a specific date was eventually fixed after directing the physical production of the accused. In such circumstances, the later observation that further clarification was required cannot justify transferring the matter to the learned Successor Judge and directing rehearing of final arguments, particularly when no such requirement was indicated during the



extended period for which the judgment remained reserved and the matter was repeatedly listed solely for pronouncement.

30. Jurisprudence on speedy justice makes it clear that avoidable and unexplained delay, when accompanied by demonstrable prejudice, renders the process arbitrary and unconstitutional. Justice delayed is justice denied, and any attempt to prolong proceedings by reopening arguments after the matter stood closed and reserved for pronouncement of judgment is liable to be held vitiated in law.

### **Conclusion & Decision**

31. Therefore, in the present case, sending back the case to the learned Successor Judge in December 2025, when the final arguments were concluded in early July 2025 and the ***matter remained reserved for pronouncement of judgment for five months with the learned Predecessor Judge***, would be manifestly unjustified and contrary to settled legal principles, as well as destructive of the right of an accused to a speedy trial.

32. In view of the foregoing discussion and the undisputed fact that Sessions Case No. 143/2020 was heard in its entirety and reserved for judgment by the learned Predecessor Judge for five months, this Court is of the considered opinion – for the reasons set out above – that the learned Predecessor Judge was duty-bound to pronounce the judgment in the said case.

33. Accordingly, Sessions Case No. 143/2020, arising out of FIR No. 207/2019, registered at P.S. Special Cell, Delhi for offences



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punishable under Sections 3/4 of the MCOCA, is ***directed to be transferred*** from the Court of the learned ASJ-03, Patiala House Courts, New Delhi, to the Court of the learned Predecessor Judge, presently posted as Judge, Family Court-02, North-East District, Karkardooma Courts, Delhi, for the purpose of pronouncement of judgment, in compliance with Order No. 45/D-3/Gaz.IA/DHC/2025 dated 18.11.2025 and Order No. 48/D-2/Gaz.IA/DHC/2025 dated 26.11.2025. The judgment be pronounced by the learned Judge within a period of 2-3 weeks from the date of receipt of this order.

34. It is further clarified that the order dated 04.12.2025 passed by the learned ASJ-03, Patiala House Courts, directing rehearing of final arguments, is hereby set aside, and the dates fixed pursuant thereto stand cancelled.

35. In view of the above, the present petition stands disposed of.

36. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**  
**JANUARY 05, 2026/ns**  
*T.D./T.S.*