

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1292/2020 & CRL.M.A.11422/2020,
CRL.M.A.14477/2020, CRL.M.A.5041/2023, CRL.M.A.7251/2023
ASIF IQBAL TANHA (THROUGH PAIROKAR) Petitioner
Through: Mr. Siddharth Aggarwal, Senior
Advocate with Ms. Sowjanya
Shankaran, Mr. Abhinav Sekhri and
Mr. Siddhart Satija Advocates.

versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: Mr. Sanjay Jain, ASG, Mr. Rajat
Nair, SPP, Ms. Ashima Gupta, Mr.
Dhruv Pandey, Advocates with Insp.
Anil Kumar and Insp. Lokesh
Sharma.
Mr. Pankush Goyal with Mr. Anuj
Kapoor, Advocates for R3.
Mr. Ravi Sharma with Mr. Anjani Kr.
Rai, Advocates for R4.
Mr. Amit Chadha, Advocate for
intervener News Broadcaster
Federation.
Mr. Rajat Arora and Ms. Mariya
Shahab, Advocates for intervener
NBDA.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.04.2023**

Mr. Siddharth Aggarwal, learned senior counsel appearing for the petitioner has made scathing opposition to the intervention applications, submitting *inter-alia* that an intervention application is never entertained in criminal matters; and most importantly, that the intervention applications in the present matter have been filed belatedly and *mala-fidé* solely as an instrument of Bench hunting.

Be that as it may, after giving its anxious consideration to the matter, what prevails with the court is that no act on the part of a court must in any manner have a deleterious impact on the credibility of the justice system. Regardless of the view that this court may hold in relation to the intervention applications filed, that view must yield to the view which better subserves to preserve the credibility of the system, which credibility derives not just from fairness *in fact*, but equally importantly, from fairness *in perception*. As this court has expressed in the course of the various hearings, even deciding the intervention applications, whether one way or the other, must be informed by the same overarching principle.

Accordingly, without expressing any opinion on the merits of the submissions, and in the larger interests of the overall credibility of the justice system, this court is persuaded to recuse from the matter.

In view of the above, subject to orders of Hon'ble the Chief Justice, list before some other Bench on 19th April 2023.

ANUP JAIRAM BHAMBHANI, J

APRIL 12, 2023

ds