

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-1333 of 2014 (O&M)

Date of decision: 05th November, 2015

Vaneet Jaidka and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Akshay Kumar Goel , Advocate,
for the petitioners.

Mr. B.S.Bhullar, AAG, Punjab,
for the respondent(s)-State.

Respondent No.2 already died.

INDERJIT SINGH, J.

Petitioners have preferred the instant petition under Section 407 read with Section 482 Cr.P.C., for transfer of Sessions Case No.1 titled as 'State versus Kharaiti Lal etc. FIR No.86 dated 28.05.2009, registered at Police Station City Moga, under Sections 326, 342, 324, 323, 148, 149, 364, 120-B IPC and Section(s) 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 from the Court of learned Sessions Judge, Faridkot to the learned Sessions/Special Court, Moga.

Notice of motion was issued.

Learned State counsel appeared on behalf of respondent(s)-State and contested the instant petition.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

From the record, this Court finds that the FIR was registered at Police Station City Moga. Earlier, City Moga was under the Sessions Division of Faridkot. Now District Moga has separate division. A report was called from the learned District & Sessions Judge, Faridkot as to how many cases relating to Moga Sessions Division are pending at Sessions Division, Faridkot.

As per report, only three cases including the present one relating to the Sessions Division, Moga are pending before the Sessions Division, Faridkot.

Perusal of the record further shows that this case was earlier pending before the Court of Special Judge, Moga and that Court, vide order dated 23.02.2011, referred the matter to learned Sessions Judge, Faridkot for transferring it to the competent Court at Faridkot because two accused in this case are practising as advocates of Bar Association, Moga. Then the learned Sessions Judge, Faridkot, vide order dated 03.03.2011 entrusted this case to the learned Addl. Sessions Judge/Special Judge, Faridkot.

As now Moga has separate Sessions Division; this case relates to Moga Sessions Division; the FIR was also registered at Police Station City Moga and the trial was earlier pending before the Court of Special Judge, Moga, and the mere fact that two accused are practising as advocates of Bar Association, Moga, is no ground for keeping this case in Sessions Division, Faridkot. Learned

counsel for the petitioner contended that it causes lot of inconvenience for the accused to go to Faridkot from Moga. Furthermore, the learned counsel for the petitioner contended that it will also cause inconvenience to the witnesses who are to be taken from Moga to Faridkot.

Keeping in view the above facts and circumstances of the present case and in view of the facts that this case relates to the Sessions Division, Moga which was earlier part of Sessions Division, Faridkot, therefore, the jurisdiction lies with the Sessions Division, Moga; it will cause inconvenience to the accused as well as to the prosecution witnesses to go to Faridkot, so in the interest of justice, the instant petition is accepted. The case in question pending before the Court of Sessions Judge, Faridkot is transferred to the Sessions Judge, Moga. Learned Sessions Judge, Faridkot is directed to send the case file to learned Sessions Judge, Moga.

05th November, 2015
mamta

(INDERJIT SINGH)
JUDGE