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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1334 of 2014
Date of Decision: 09.07.2015

VISHAL JAIN

.....Petitioner

Vs

STATE OF PUNJAB & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Varun Sharma, A.A.G., Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks transfer of revision petition titled as Vishal Jain v. State of Punjab pending in the Court of Additional Sessions Judge, Faridkot to the court of competent jurisdiction at Moga.

Dispute is *inter se* between two practising lawyers of Moga Bar Association. Earlier Judicial Magistrate Ist Class, Moga passed an order dated 23.02.2011, endorsing that the Court due to some personal reasons did not want to proceed with the complaint and accordingly reference was made to District and Sessions Judge, Faridkot with a request to transfer the case to any other court of competent jurisdiction. Ultimately the case was transferred from

Moga to Faridkot. It is relevant to mention here that at the time of aforesaid transfer there was only one Session Division at Faridkot, so the case was transferred by District and Sessions Judge, Faridkot from Moga.

Trial of the criminal complainant at Faridkot entailed in dismissal of the complaint. A revision petition has been filed before Sessions Judge, Faridkot which in turn has been assigned to the Court of Additional Sessions Judge, Faridkot.

During the intervening period Moga has also come up with Session Division. At the revisional stage an application for transfer of revision petition from Faridkot to Moga has been filed by petitioner. On that application District and Sessions Judge, Faridkot has opined that since Moga has also come up as an independent Session Division, therefore, District and Sessions Judge, Faridkot has no jurisdiction to transfer the revision petition to Session Division, Moga. That is how the present matter has come before this Court.

Apparently matter is sub-judiced before revisional Court at Faridkot. On earlier occasion, the matter was transferred from Moga to Faridkot, keeping in view the *inter se* dispute pending between two practising lawyers at Moga, Court showed its disinterest to proceed with the controversy.

Once the case was transferred from Moga to Faridkot, now prayer for transfer of revision petition from Faridkot to Moga would not be in the best interest of the parties. Moreover in revision petition

pending before Additional Sessions Judge, Faridkot, no such mechanism of examination of witnesses is involved, therefore, it will be just and expedient to contain the case with the Court at Faridkot only.

No ground to transfer the case from Faridkot Session Division to Moga Session Division is made out.

Accordingly, this petition is dismissed.

July 09, 2015

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**(RAJ MOHAN SINGH)
JUDGE**