

Crl. Misc. No. M-23527 of 2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-23527 of 2014

Date of decision: 19.03.2015

Kawaljit Singh Walia

....Petitioner

Versus

Pankaj Kochar

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Mr. Vishal Aggarwal, Advocate, for the petitioner.
Mr. Sandeep Khunger, Advocate, for the respondent.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 407 read with Section 482 of the Code of Criminal Procedure has been filed with the following prayers: -

- “1. For transferring the criminal complaint No.8677 of 2009 titled “Pankaj Kochhar v. Kamaljit Singh Walia” dated 16.09.2009 from the Court of Sh. Manav, JMIC, Chandigarh to any other Court of competent jurisdiction.*
- 2. For setting aside the order dated 22.05.2014 (Annexure P-28) passed by learned Sessions Judge, Chandigarh whereby application moved by the petitioner for transfer of complaint has been dismissed.*
- 3. For further cross-examination of CW1.*
- 4. For passing necessary orders for hearing the complaint*

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filed by the respondent along with the complaint filed by the petitioner against the respondent. ”

So far as hearing the complaint filed by the respondent along with the complaint filed by the petitioner against the respondent is concerned, this is purely an independent cause of action. Learned counsel for the petitioner does not press this point and wants to proceed in accordance with law. Ordered accordingly.

Learned counsel for the respondent has stated that he has no objection if the complaint is transferred to any other Court of competent jurisdiction, however, only one opportunity may be granted to the petitioner for cross-examination of CW1 – complainant subject to the condition that petitioner shall not ask the questions already asked during earlier cross-examination. Learned counsel for the respondent, on instructions from the complainant, who is present in Court, states that he will appear before the Court on the date fixed and petitioner will be entitled to cross-examine him on that date.

In view of the consent given by the parties, learned Sessions Judge, Chandigarh, is directed to transfer the complaint in question to any other Magistrate of competent jurisdiction. With the consent of the learned counsel for the parties, impugned orders Annexures P-28 and P-29 are also set aside. The transferee Court shall fix the date for cross-examination of CW1 – complainant. Petitioner shall only ask the questions on which the complainant was not cross-examined earlier. It is made clear that Court shall see that irrelevant questions are not asked by

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the petitioner. Only one opportunity shall be given to the petitioner to conclude the cross-examination on the date fixed and thereafter the trial Court shall proceed with the matter expeditiously, subject to dockets of the Court and pass appropriate orders.

Disposed of.

(Paramjeet Singh)
Judge

March 19, 2015
R.S.