

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-27970 of 2015

.....

Date of decision:21.8.2015

Samiksha

.....Petitioner

v.

Ajay and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sunil Saharan, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. for transfer of criminal case titled as “State Versus Ajay and others”, FIR No.679 dated 23.7.2014 registered at Police Station Hisar City, District Hisar for the offences under Sections 498-A, 323, 406, 506 and 34 IPC, pending in the Court of learned Chief Judicial Magistrate, Hisar to the Court of competent jurisdiction at Dabwali.

At the time of arguments, learned counsel for the petitioner mainly argued regarding convenience of the petitioner to visit the Court at Dabwali instead of Hisar which is at a distance of more than 150 kms.

After hearing learned counsel for the petitioner and after going through the record, I find that it is a criminal case and it is not to be

transferred only on the ground of convenience of one of the parties. There is specific jurisdiction where the case is to be filed, then it is an FIR case and the petitioner is to appear as a witness only on one date in the proceedings. There are three private respondents in this transfer petition including one lady. If this case is transferred from Hisar to Dabwali, then three accused have to go to Dabwali on each and every date and the prosecution has also to brought all the witnesses from Hisar to Dabwali. If, the petitioner is suffering from any disease and which is so serious that she cannot come to the Court for giving evidence to Hisar, she has an appropriate remedy before the trial Court and she can make a request accordingly to the trial Court.

As regards the ground that respondents No.1 and 2 are practicing Advocates and put some illegal pressure is also having no merit because the Judicial Officers are not supposed to be under the pressure of any Advocate in their personal case. This is also no ground for transferring the case from Hisar to Dabwali.

Therefore, finding no merit in the transfer petition, the same is dismissed.

August 21, 2015.

(Inderjit Singh)
Judge

hsp