

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37648 of 2015

.....

Date of decision:14.12.2015

Devidayal alias Kala

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. P.K. Chaudhary, Advocate for Mr. Pankaj Bali, Advocate
for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 407 read with Section 482 Cr.P.C. for transferring the case of the petitioner from the Court of learned Additional Sessions Judge, Karnal to any other Court of competent jurisdiction at Panipat or Kurukshetra related to Misc. Sessions No.51/14 dated 19.5.2014 in case FIR No.141 dated 5.3.2012 registered for the offences under Sections 323, 324, 506 and 34 IPC at Police Station Sadar, Karnal, District Karnal.

I have heard learned counsel for the petitioner and have gone through the record.

The only argument of the learned counsel for the petitioner for transfer of this case from Karnal to the Court at Panipat or Kurukshetra is that respondent No.2 being a local practicing Advocate at District Courts,

Karnal, the local lawyers are not ready to appear on behalf of the present petitioner and the said fact also proves from the bare perusal of the fact that even the counsel engaged earlier has withdrawn his power of attorney and the second counsel, who has appeared on behalf of the petitioner, has not argued the matter under the influence of the local lawyers of the Bar.

Report in this matter was also called for from the learned trial Court, wherein the learned Additional Sessions Judge, Karnal has reported that the case was committed to the Court of Session as per order dated 7.5.2014 and as per record since the date of receiving of case uptill 4.9.2015 accused Devidayal alias Kala as well as other two accused were being represented by Shri B.R. Dahiya, Advocate and thereafter from 16.9.2015 onwards they are being represented by Shri Baldev Raj Arora, Advocate and the next date fixed in the case is 4.1.2016, which means that the present petitioner has been duly represented before the trial Court. Even as per the zimini order Annexure-P.11, it has been held by the Additional Sessions Judge, Karnal that learned defence counsel on the contrary failed to argue anything material to dispute the *prima facie* evidence as per charge-sheet, which means that the defence counsel has argued the case at the time of framing the charges.

Therefore, from the above, I find that there is no ground to transfer the above Sessions case from Karnal to Kurukshetra or Panipat. Further more, it will also cause inconvenience to the witnesses including the official witnesses doctor etc., who are to go in the another district if the case is transferred.

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

December 14, 2015.

(Inderjit Singh)
Judge

hsp