

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

CRM-M-4356 of 2015

Date of Decision: March 10, 2015

Ram Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dinesh Ghai, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

This is a petition under Section 407 Cr.P.C. seeking transfer of criminal appeal No.11 of 15.03.2011 titled as Musaddi Lal and others vs. State of Haryana and criminal appeal No.84 of 15.3.2011/22.5.2012 titled as State of Haryana vs. Musaddi Lal and others pending before the Court of learned Additional District and Sessions Judge, Narnaul (Mahendergarh).

Upon hearing learned counsel for the petitioner. The first appeal, as it evident, has arisen from the judgment of conviction of learned Chief Judicial Magistrate, Narnaul dated 10.3.2011 awarding them sentence of imprisonment and fine and the second appeal is an offshoot of the same very judgment, whereby, the State has sought enhancement of the imprisonment and fine. The main grouse which has actuated this petition is that learned first Appellate Court has declined the prayer of the petitioner-applicant therein for amendment of the charge at the

appellate stage and the resolve of the Court to list the same for arguments.

The anticipated apprehension certainly is not legally permissible and the petitioner was well at liberty to have challenged the orders before the appropriate forum and cannot be allowed to misuse the process to achieve such as end. Prima facie no ground is made out to show indulgence and the petition, as such, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March, 10 2015
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