

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-981 of 2015 (O&M)

Date of decision: 05th November, 2015

Dimple

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amit Kumar Goyal, Advocate,
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana,
for respondent Nos.1 to 4-State.

Mr. B.K.Bagri, Advocate,
for respondent Nos.5 and 6.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 407 Cr.P.C., seeking transfer of case FIR No.157 dated 17.08.2014, registered at Police Station Kosli, District Rewari from the Court of Sub Divisional Judicial Magistrate, Kosli to a Court at Bhiwani.

Notice of motion was issued.

Learned State counsel as well as learned counsel for respondent Nos.5 and 6 appeared.

Learned counsel for the petitioner contended only one point that if the trial remains pending before the Court at Kosli then it will cause inconvenience to the petitioner/complainant. It is also contended that some other proceedings in other cases are also pending before the Court at Bhiwani. He prayed to allow the instant petition.

On the other hand, learned State counsel as well as learned counsel for respondent Nos.5 and 6 contested this petition.

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

From the record, this Court finds that the proceedings in an FIR case are going on before the Court of Sub Divisional Judicial Magistrate, Kosli. The presence of the petitioner-complainant is not necessary on each and every date of hearing. She is to appear in person only when she has to make statement before the Court. There are criminal proceedings arising from the FIR. This case cannot be transferred only on the ground of inconvenience to the complainant.

As already discussed, the presence of petitioner-complainant is not required on each and every date of hearing; the proceedings of this case are to be conducted by the Public Prosecutor and the petitioner can also engage the counsel. If the case is transferred to the Court at Bhiwani then the accused are to go to Bhiwani. All the witnesses are also to be taken to Bhiwani.

Keeping in view the above facts, I do not find any ground to transfer the trial from the Court of Sub Divisional Judicial Magistrate, Kosli to the Court at Bhiwani.

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