

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-12131 of 2016(O&M)****Date of Decision: April 07, 2016**

Parmod Kumar

...Petitioner

VERSUS

Ashwani Chadha

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Jain, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 Cr.P.C. read with Section 482 Cr.P.C. against respondent Ashwani Chadha for transfer of complaint/COMA # 1733/2015 dated 18.11.2015 titled as 'Ashwani Chadha vs. Parmod Kumar' from the Court of learned Judicial Magistrate Ist Class, Ambala to District Court Ludhiana on account of his medical condition.

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

From the record, I find that the petitioner is accused in a complaint filed by the respondent under Section 138 of the Negotiable Instruments Act. The only reason as given by learned counsel for the petitioner for transfer of case from Ambala to Ludhiana is medical

ground. In support of his arguments, learned counsel for the petitioner relied upon the document Annexure P-3, which is only the test report. There is no opinion of the doctor that the petitioner cannot travel to Ambala or anything. Rather, on the first page of this report, it is written 'to avoid frequent travelling'. Going in a complaint case on a specific date, in no way, can be held as frequent travelling.

As there is nothing on the record to show that petitioner cannot travel to Ambala nor there being any document to show any serious disease to the petitioner, therefore, there is no ground to transfer the case in question from District Court, Ambala to District Court, Ludhiana.

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

April 07, 2016
Vgulati

(INDERJIT SINGH)
JUDGE