

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-1907 of 2016

.....

Date of decision:2.2.2016

Vinod Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Present: Mr. Arvind Thakur, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of impugned order dated 11.09.2015 (Annexure-P.5) passed by the learned District and Sessions Judge on the application of respondent No.2, whereby the two complaints bearing No.55 (02.01.2014) & 295 of (06.01.2014) filed by two different complainants under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act') as well as civil suit No.748 of (08.02.2014) for permanent injunction, which are pending in different Courts, have been ordered to be transferred to the Court of Shri Randhir Verma, Additional Chief Judicial Magistrate-cum-Civil Judge (Senior Division), Pathankot.

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

From the record, I find that the application has been filed for consolidating the above titled complaint case with the other three complaints filed under Section 138 of the NI Act and by transferring to the Court of learned of Additional Chief Judicial Magistrate, Pathankot. The

details of the cases were given in the application. The learned District & Sessions Judge, Pathankot vide order dated 11.9.2015 accepted the transfer application keeping in view “no objection” of the counsel for the respondent. Presumption of truth attaches to the orders passed in the judicial proceedings. There is nothing on the record to show that learned counsel for the respondent has not given this statement before the Sessions Judge having no objection. Secondly, these cases are withdrawn, which are pending before the different Courts and have been entrusted to one Court and it will be expedient to decide all these cases by one Court to avoid conflicting judgments and orders. In the order dated 11.9.2015, the learned District & Sessions Judge, Pathankot nowhere has passed the order consolidating these cases. The cases are to be consolidated as per law only by the trial Court. Vide the impugned order dated 11.9.2015, the learned District & Sessions Judge on the basis of no objection given by the other party i.e. by learned counsel for the respondent and in view of the facts and circumstances of the case transferred these cases to one Court. No illegality has been committed by the learned District & Sessions Judge while passing the impugned order. No ground is made out for quashing this order. In no way, it can be held that the passing of the impugned order, in any way, amounts to miscarriage of justice.

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

February 2, 2016.

(Inderjit Singh)
Judge

hsp