

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-2676 of 2016(O&M)
Date of Decision: January 25, 2016

Vipin Gupta

...Petitioner

VERSUS

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Maninder Arora, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 Cr.P.C. for transfer of trial of case FIR No.56 dated 05.08.2008 under Sections 380, 448, 451, 427, 506 and 120-B IPC registered at Police Station Industrial Area, Phase-I Chandigarh, pending in the Court of learned Judicial Magistrate Ist Class, Chandigarh to some other Court.

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

From the record, I find that an application was filed for transfer of case titled as 'State vs. Shingara Singh before Addl. Sessions Judge, Chandigarh from the Court of Sh.Pradeep Syngal, Judicial Magistrate Ist Class, Chandigarh to any other Court. It is alleged in the application that accused persons are delaying the trial

on one pretext or the other. The applicant Jagdish Singh received the summons being witness from the Court for 02.12.2015, on which he also intimated the date to other witness Raghu Nath and both reached the Court. On their asking, the Magistrate did not allow them to see the file and directed the Public Prosecutor to get their statements recorded.

As regarding this allegation, I find that no illegality has been committed by learned Magistrate. Nobody has the right to inspect the judicial file in the Court during proceedings. There is settled procedure for inspecting the file by applying for inspection by affixing court fees on that application. If the Court asked learned PP to get the statement recorded, again nothing is illegal.

It is also stated in the application that applicants were very astonished to see the behaviour of the Magistrate. There is nothing wrong in the behaviour of the Magistrate. Rather, the Court has asked learned PP to get recorded the statements and has rightly refused the applicants or any person to inspect the file during the proceedings.

In view of the above discussion, I find that learned Addl. Sessions Judge, Chandigarh has rightly dismissed the application for transfer of the case vide order dated 23.10.2015.

Therefore, finding on merit in the present petition, the same is dismissed.

January 25, 2016
Vgulati

(INDERJIT SINGH)
JUDGE