

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29593 of 2016
Date of Decision: 08.12.2016

Babita Devi and anotherPetitioners

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sarfraj Hussain, Advocate, for the petitioners.
Ms.Mahima Yashpal, AAG, Haryana.
Mr.Y.D.Kaushik, Advocate, for respondents No.2 and 3.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 407 of the Code of Criminal Procedure for transferring the case in FIR No.44, dated 18.01.2015 for the offence under Sections 498A, 406, 506 IPC, registered at Police Station Camp Palwal, District Palwal, from the Court of learned CJM, Palwal to Faridabad or any other Court.

Learned counsel for the petitioners submits that a dispute has been arisen when Ms.Babita Kaushik, Advocate, had put in appearance on behalf of petitioners/complainant before the trial Court as she was not engaged by the petitioners. When the petitioners approached her and asked as to how she had put in appearance on their behalf, the petitioners were given pushes and set away from there. Thereafter, petitioner No.1 moved an application before the police as also Bar Association, Palwal against Ms.Babita Kaushik, Advocate and an application for providing legal aid counsel was also moved before the learned District Judge, Palwal.

However, a resolution was passed by the Bar Association, Palwal, that a complaint has been made against their colleague, therefore, no Advocate shall appear on their behalf.

As per reply filed by way of affidavit of DSP, Palwal, on behalf of respondent No.1 that trial is fixed for 03.11.2016 for framing of charges. A perusal of order dated 03.11.2016 shows that challan was filed against respondents No.2 and 3 and they have pleaded not guilty to the charges framed against them and now the case was fixed for 11.01.2017 for recording the statements of prosecution witnesses.

Keeping in view the fact that a resolution has already been passed by the Bar Association, Palwal against the petitioners/complainant, present petition is allowed and the case bearing FIR No.44, dated 18.01.2015 for the offence under Sections 498A, 406, 506 IPC, registered at Police Station Camp Palwal, District Palwal, is transferred from Palwal to the competent Court of jurisdiction at Faridabad for further proceedings.

(RITU BAHRI)
JUDGE

08.12.2016
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>