

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6338 of 2016
DECIDED ON: FEBRUARY 23, 2016

Gurdial Singh

.....Petitioner...

VERSUS

Parkash Singh

....Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harkirat Sandhu, Advocate,
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J (ORAL)

Gurdial Singh has preferred the instant petition under Section 407 read with Section 482 of the Code of Criminal Procedure (for short, "Code") seeking transfer of complaint No. 1614/2014, dated 04.09.2014, Case Code No. 203900047622014 filed under Section 138 of the Negotiable Instrument Act, 1881 (for short, "Act") by petitioner titled as "Gurdial Singh vs. Parkash Singh" pending in the Court of JMIC, Patiala to Session Division, SAS Nagar, Mohali.

2. The contention of learned counsel for the petitioner is that the petitioner is aged about 85 years and has undergone heart surgery but because of the bouncing of cheque issued by respondent, he was constrained to file a complaint under Section 138 of the Act against the respondent in the Court of

JMIC, Patiala, which is pending disposal there. Due to the ailment and age related health problem, it is very difficult to attend the proceedings before JMIC, Patiala and thus, he intends to get the complaint transferred to the Court of competent jurisdiction falling in the area of Session Division, SAS Nagar (Mohali).

3. But this Court does not find it a cogent reason to exercise the discretion under Section 407 of the Code, especially to the detriment of the respondent. Moreover, in the circumstances that only the JMIC, Patiala has got jurisdiction to entertain the complaint filed by the petitioner. Accordingly, the present petition is dismissed.

FEBRUARY 23, 2016
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(JASPAL SINGH)
JUDGE