

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9992-2016
Decided on: March 21, 2016

Rajesh Kumar

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is a petition filed under Sections 482 and 483 Cr.P.C. for issuance of directions to the trial Magistrate at Ludhiana to try the criminal complaint and State case between the parties regarding the same subject matter simultaneously by one Court.

Learned counsel for the petitioner submits that two cases regarding the same subject matter are pending before different Courts, one a private complaint and the other a State case. He further places reliance on the provisions of Section 10 Cr.P.C.

After hearing learned counsel for the petitioner, I am of the considered opinion that the petitioner has not taken any steps either to file an application before the Chief Judicial Magistrate for transfer of both the cases before one Magistrate or an application under Section 408 Cr.P.C. before the Sessions Court.

This petition is disposed of as not maintainable relegating the petitioner to take any alternate remedy available to the petitioner.

Learned counsel for the petitioner submits that jurisdiction to pass a direction for expeditious disposal of the transfer application and the trial/complaint, vests only in the High Court under Section 482 Cr.P.C.

I have considered the said contention and it will be open to the petitioner to request the authorities below to expeditiously dispose of his petition/claim. In case any such request is made, it is expected that the matter of the petitioner will be disposed of expeditiously by passing a speaking order.

Disposed of with aforesaid observations with liberty to the petitioner to approach the Court of competent jurisdiction in accordance with law.

(M.M.S. BEDI)
JUDGE

March 21, 2016
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