

HIGH COURT OF CHHATTISGARH, BILASPUR

TPCR No. 16 of 2017

Prashant Majumdar S/o Chinnu Lal Majumdar, Aged About 63 Years
R/o Anustha Residency, Junwani, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The District Magistrate, District Mahasamund, Chhattisgarh.
2. The District Magistrate, District Durg, Chhattisgarh.

---- Respondents

For petitioner - Shri Ravindra Agrawal, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/07/2017

1. Heard.
2. By the present petition the petitioner has sought for transfer of two criminal cases i.e. Sessions Trial No.55/2016 which is pending before 2nd Additional Sessions Judge, Mahasamund and another Special Criminal Case No.5/2016 which is pending before Sessions Judge, Durg. The case registered at Mahasamund is under S.T. No.55/2016 is under Section 420, 409, 34 of IPC read with Section 3 and 4 of the Price Chit and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of the C.G. Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005. Whereas the case registered at District Durg is under Crime No.233/2016 under Section 420, 409, 34 of IPC read with Section 3, 4, 5 and 6 of the Price Chit and Money Circulation Scheme (Banning) Act, 1978 and Section 10 of the C.G. Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005 is pending before Sessions Court, Durg in Special Criminal Case No.5/2016.
3. Learned counsel for the petitioner would submit that the petitioner is aged more than 60 years and he has to run from Mahasamund to Durg and

since nature of allegation is one and same, therefore both the cases may be consolidated to one court.

4. Learned State counsel opposes the same.

5. Perused the documents filed along with the petition. Prima facie it appears that the petitioner and other co-accused received the amount from public at large with a promise to repay the same within short period of time, failed to do so and consequently committed the offence and collection and circulation of money was without the permission of RBI or SEBI. As appears that there are two set of victims. One set of victim stays at Mahasamund whereas the other set of victim stays at Durg. Name of the witnesses which has been enclosed by the prosecution appears that different victims resides in their respective town and village and they have no nexus to each other.

6. Like nature of the similar issue came up before Supreme Court in case of **State of Punjab and another Vs. Rajesh Syal** reported in **2002(2) CGLJ 413** wherein the Supreme Court observed that when different set of people allege to have been defrauded by the accused, as such each offence is distinct one and same cannot be recorded as constituting a single series of transaction and similar analogy is applicable in this case. Therefore, applying the aforesaid dictum laid down by the Supreme Court, I am not inclined to entertain this petition as it would rather cause inconvenience and would virtually amount to denial of justice to the victim and will make them to run from pillar to post.

7. Consequently, the petition has no merit and is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE