

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-14146 of 2017 (O&M)
Date of Decision: 26.04.2017

Ram Phal

--Petitioner

Versus

Smt. Purnima & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rakesh Gupta, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C assailing the order dated 20.3.2017 (Annexure P-4), passed by the learned Sessions Judge, Kaithal while declining a transfer application preferred by the present petitioner.

Pleadings on record would indicate that a case titled as State Vs. Amar Singh & others arising out of FIR No.58 dated 30.5.2012 under sections 420, 463, 467, 471, 120-B I.P.C, registered at Police Station, Sadar Kaithal, is pending in the court of learned JMIC, Kaithal. A civil suit titled as Ram Phal Vs. Purnima and others is pending in the court of Civil Judge, (Jr. Divn.), Kaithal.

The application moved by Ranbir singh i.e. next friend/guardian of Ram Phal for transfer of both the cases to one court, has been declined in terms of the impugned order.

The solitary contention raised by counsel for the petitioner is that both the proceedings arise out of the same very occurrence/transaction and as such, no prejudice would have been caused in case the prayer made in the application for transfer of both proceedings to one court was to be accepted.

Perusal of the impugned order would reveal that even though the civil and criminal proceedings relate to the same very transaction, yet, while declining the application learned Sessions Judge, Kaithal in the impugned order has taken a view that the proceedings can be determined separately as result in one case is not binding on the other. Reference has also been made to a judgement of the Hon'ble Supreme Court in **Devendra Vs. State of Uttar Pradesh, 2010(4) RCR (Criminal), 448 (SC)** while taking such view. In the impugned order it has also been noticed that the application for transfer had been moved at the fag end of the criminal proceedings and the prayer, if, accepted as regards transfer to one court may delay disposal of the criminal proceedings.

In the considered view of this Court, the reasoning furnished by learned Sessions Judge, Kaithal while declining the application moved by the petitioner seeking transfer of both civil and criminal proceedings to one court, is valid and cogent.

No interference in the matter is called for.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.04.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No