

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-16662 of 2016 (O&M)

Date of Decision: December 05, 2017

Tarsem Lal Sharma

...Petitioner

VERSUS

Vinay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kamal Narula, Advocate
for the petitioner.

Mr.Vineet Sehgal, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 read with Section 482 Cr.P.C. against respondent Vinay Kumar for transfer of complaint bearing No.94/2-16 dated 11.02.2016 under Section 138 of the Negotiable Instruments Act filed by the respondent against the petitioner titled as 'Vinay Kumar vs. Tarsem Lal' pending in the Court of Chief Judicial Magistrate, Panchkula to the court of competent jurisdiction at Gurusahai, District Hoshiarpur.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

Learned counsel for the petitioner argued that one FIR case is already going on between the parties at Gurusahai and a civil suit for

specific performance is also pending there, therefore, this complaint under Section 138 of the Negotiable Instruments Act should also be transferred at Guruharsahai as the petitioner-accused is about 62 years of age and inconvenience is caused to him by coming to Panchkula.

On the other hand, learned counsel for the respondent contested this petition.

I have heard learned counsel for the parties and have gone through the record.

At the time of arguments, it is not argued that how the decision of the complaint in question, in any way, would influence the decision of the FIR case pending at Guruharsahai. It is settled law that inconvenience of the accused is not to be seen for transferring the criminal case. It is settled law that criminal trial/case should not be transferred in a routine manner. It should be transferred only in exceptional circumstances. In the present case, no exceptional circumstance has been shown for transferring the case. Even if it is taken that the accused is 62 years of age, even then, this is no ground that it is inconvenient for him to come to Panchkula. In the complaint case, the complainant also comes to attend the Court.

In view of the above discussion, I do not find any ground to transfer the case from Panchkula to Guruharsahai.

Therefore, finding no merit in the present petition, the same is dismissed.

December 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No