

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-18333 of 2017 (O&M)

Date of decision: May 22, 2017

Manish Dev

... Petitioner

Vs.

Yogesh Mishra and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. O.P. Hoshiarpuri, Advocate
for the petitioner.

SURINDER GUPTA, J

This is petition seeking transfer of complaint titled as “Manish Dev vs. Yogesh Mishra and others” instituted on 1.12.2004 pending in the court of Judicial Magistrate Ist Class, Jalandhar, out side the State.

Learned counsel for petitioner submits that the case is presently pending in the court of Ms. Rajbeer Kaur, Judicial Magistrate Ist Class, Jalandhar. There is another officer named Mr. Ankit Airi, presently posted at Kapurthala, is her batch-mate as both belong to 2013-14 batch and Mr. Ankit Airi is related to the accused. It was heard by complainant Neena Bhardwaj that Indu and Vijay Mishra, who were present in the court on last date, were talking that Mr. Ankit Airi had talked to Ms. Rajbeer Kaur about the case. This has given apprehension to the petitioner that she may not get justice and the reason for seeking transfer of the case out side the State.

The submissions of learned counsel for petitioner make out no case for transfer of the case out of State or even out of Jalandhar. There are number of Magistrates in the Sessions Division, Jalandhar and if the petitioner had any grievance he could approach District & Sessions Judge,

Jalandhar and seek transfer of the case to some other court of competent jurisdiction than the court of Ms. Rajbeer Kaur. Instead of availing the remedy before the District & Sessions Judge, Jalandhar, the petitioner has rushed to this Court for seeking transfer of the case out of State.

The mere fact that two Magistrates are batch-mate, make out no reason for transfer of the case out of Punjab State. The petitioner, if so desired, may approach the District & Sessions Judge, Jalandhar with the application for seeking transfer of the case to some other court of competent jurisdiction than the court of Ms. Rajbeer Kaur, which on filing shall be decided by the District & Sessions Judge, Jalandhar on merits in accordance with law and nothing observed herein will be taken as expression of opinion if this Court.

This petition has no merits and is dismissed.

May 22, 2017

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**(Surinder Gupta)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No