

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

Decided on: 20.01.2017

1. CRM No.M-33355 of 2016

Sandeep Kumar

....Petitioner

Versus

Rajni Sharma and another

....Respondents

2. CRM No.M-33356 of 2016

Sandeep Kumar and others

....Petitioners

Versus

Rajni Sharma

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Munish Puri, Advocate
for the petitioners (in both the petitions)

REKHA MITTAL, J. (Oral)

This order will dispose of CRM No.M-33355 of 2016 and No.33356 of 2016 as identical questions of law and fact are involved for adjudication. For the sake of convenience, facts are taken from CRM No.M-33355 of 2016.

The petitioners pray for transfer of case “Rajni Sharma and another vs Sandeep Kumar” filed under Section 125 of the Code of Criminal Procedure (in short 'Cr.P.C.) pending in the Court of Judicial Magistrate Ist Class, Gurdaspur to any other Court of competent jurisdiction at Pathankot on the premise that Rajni Sharma is working as a Stenographer III in the Courts at Gurdaspur.

Counsel for the petitioners confines his prayer that any proceedings either initiated by Rajni Sharma or by the other side should

not be dealt with by the Court wherein Rajni Sharma happen to be attached as a Stenographer III, so that there is no apprehension in the mind of the petitioner with regard to her exerting an influence over the Presiding Officer.

Though the apprehension expressed by the petitioner appears to be unfounded but still keeping in view the principle that justice should not only be done but should appear to have been done, the petitions are disposed of with a direction to the District and Sessions Judge, Gurdaspur to ensure that none of the cases filed between the parties are dealt with by a Court with which Rajni Sharma – respondent No.1 is attached as a Stenographer.

Disposed of accordingly.

20.01.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No