

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

CRM-M-36430-2016 (O&M)
Date of decision : 05.12.2017

Sukhchain Devi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gitish Bhardwaj, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, AAG, Punjab.

Mr. Rajeev Sharma, Advocate,
Mr. KDS Sodhi, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition filed under Section 407 of the Code of Criminal Procedure (for short, 'the Cr.P.C.'), is for transfer of case No.Chi/414/2016 titled as “State of Punjab Vs. Manoj Kumar”, pending before the Court of learned Additional Chief Judicial Magistrate, Roopnagar.

It is asserted that it is difficult for the petitioner to attend the Court proceedings at Roopnagar as she is presently residing at Mohali, which is at a distance of about 45 kilometres from Roopnagar. At the time of institution of the proceedings, Police Station, Kurali, was a part of District Roopnagar but now it is a part of District SAS Nagar.

However, the trial is still continuing at Roopnagar.

On the other hand, learned counsel for respondent No.2 has opposed the instant petition.

Heard.

Distance alone cannot be the sole basis for transferring the matter from the Court of competent jurisdiction, particularly when the petition was filed by the petitioner herself. Otherwise also, the distance between the two stations is not alarmingly long. In the petition, the same has been stated to be 45 kms.

In view of the above, the instant petition is hereby dismissed.

However, considering the fact that the petitioner-wife is residing at Mohali and also supporting her two minor children, to lessen her hardship, it is directed that respondent No.2 shall pay Rupees one thousand on each of her visit to District Court, Roopnagar, for attending the court proceedings.

05.12.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No