

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

**CRM-M-42597-2017
Date of Decision: 10.11.2017**

Brijesh Dhabi

...Petitioner

Versus

State of Haryana & Another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Saharan, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 407 of the Cr.P.C. seeking transfer of criminal case titled as “State vs. Brijesh Dhabi”, FIR No. 294, dated 24.04.2015, registered under Section 498-A, 406, 323 and 506 of the IPC at Police Station Sirsa City, District Sirsa, pending in the Court of Chief Judicial Magistrate, Sirsa.

Learned counsel for the petitioner contends that a perusal of the zimini orders would reflect that the statement of Dharampal and Rashmi Rani have not yet been recorded. It is argued that Rashmi Rani, author of the FIR registered against the petitioner, is a practising advocate at District Courts Sirsa along with her father Dharampal and on the basis of this, they are able to avoid getting their statements recorded. In this regard, learned counsel for the petitioner points out to the order dated 14.07.2017 in which they have been summoned throughailable warrants for a sum of Rs. 5000/- for 10.10.2017. It is contended that the petitioner is now bound down for

06.12.2017 and he fears that on that date too, the evidence will not be recorded. Counsel for the petitioner further submits that he will be present on that date and he or his counsel will not request for adjournment.

I have heard learned counsel for the petitioner and have also gone through the zimini orders produced which reflect that the statements of the respondent No. 2 and her father Dharampal have not been recorded as yet. If the respondent is practising at the District Courts along with her father, it is relatively easy for them to appear on the date fixed whereas the petitioner, who comes from Jaipur, would be put to great hardship if the case is unnecessarily adjourned.

Therefore, without issuing notice, this petition is disposed of with a direction to the trial Court that an effort be made to record the statements of the complainant and her father at the first instance on the date, i.e. 06.12.2017, they have been bound down for.

10.11.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No