

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Criminal) No.24 of 2018**

- M/s Ind Synergy Limited Through Its Authorized Signatory Aditya Goel, At Ind Synergy Factory Premises, Village Kotmar, (Mahuapali) Gharghora Road District Raipur Chhattisgarh

---- **Petitioner****Versus**

1. Suresh Chand Goyal S/o Late Shri Ratanlal Goyal Registered Office At 53, Friends Colony (East) New Delhi PIN 110 065.
2. Kuldeep Kumar Dhar S/o M. N. Dhar Aged About 62 Years MG Gases Pvt. Ltd., 53, Friends Colony (East) New Delhi PIN 110065.

---- **Respondents**

For the Petitioner : Shri SC Verma and Shri Ashish
Surana, Advocates

For the Respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****01.10.2018.**

1. The transfer petition has been filed under Section 407 of the CrPC for transfer of Criminal Revision No.105/2018 and 106/2018 pending before 8th Additional Sessions Judge, Bilaspur against the charge framed by the trial Court to this High Court.

2. Learned counsel for the petitioner submits that during the course of hearing before the 8th Additional Sessions Judge, Bilaspur, documents were filed by the respondents to the tune of 760 pages and a number of pages are non-legible. If those documents are considered by the said Court, then the petitioner will be prejudiced and the same is against the interest of the petitioner. Therefore, it would not be fit for the revisional court to

appreciate those documents filed by the respondents which are not relevant for deciding the issue whether offence under Section 500 IPC is made out or not.

3. It appears from the charge framed by the trial Court that the offence of defamation is committed during the course of one arbitration proceeding. The issue between the parties is limited to this proceeding only. Further proceedings are not relevant for deciding whether the charges framed by the trial Court is proper or not.

4. Looking to the limited issue between the parties and looking to the fact that arguments are concluded before the revisional court, it would not be proper to transfer the case to some other court.

5. Accordingly, the petition filed under Section 407 of the CrPC is rejected.

Sd/-
(Ram Prasanna Sharma)
JUDGE