

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

Crl. Misc. M-1704 of 2018 (O&M)
Date of Decision: January 17, 2018

Rajesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. with a prayer to set aside the order dated 22.11.2017 passed by the learned Chief Judicial Magistrate, Amritsar, whereby case arising out of FIR No.7 of 31.01.2016, under Sections 498-A, 406 of Indian Penal Code, registered at Police Station Women Cell Amritsar, titled as “State vs. Rajesh Kumar” has been transferred from the court of Sh. Rajan Aneja, Judicial Magistrate Is Class, to the court of Ms. Rajbir Kaur, Judicial Magistrate Ist Class.

The grievance of the petitioner is that vide the impugned order dated 22.11.2017 the aforesaid case titled as “State vs. Rajesh Kumar” has been transferred from the court of Sh. Rajan Aneja, Judicial Magistrate Ist Class to the court of Ms. Rajbir Kaur, Judicial Magistrate Ist Class, without any ground.

It is argued that there is a strong apprehension that the petitioner will not get justice as the cousin of respondent No.2, is a practicing lawyer at District Courts, Amritsar, who has been using his influence to pressurize the petitioner to compromise the matter.

I have heard learned counsel for the petitioner, apart from perusing the record.

The aforesaid case titled as “State vs. Rajesh Kumar” was pending in the court of Sh. Rajan Aneja, JMIC, Amritsar, however, respondent No.2-wife moved an application before the Chief Judicial Magistrate, Amritsar for transfer of the said case, alleging therein that cousin brother of her husband Mr. Sanjiv Kumar is practicing as an advocate at Ferozepur and at the instance of his cousin brother, the accused has been openly declaring to the applicant that he has links with the learned Presiding Officer, before whom the case was pending. It is also alleged that the said cousin brother of her husband was pressurizing her to compromise the matter.

After calling for comments of the concerned Presiding Officer, who did not raise any objection, if the said case would be transferred from his court, vide the impugned order dated 22.11.2017, learned Chief Judicial Magistrate, Amritsar, transferred the case.

This court is not satisfied with the arguments put forth by counsel for the petitioner, because on the similar type of allegations, respondent No.2-wife sought transfer of the instant case, which has been done by the impugned order dated 22.11.2017. Moreover, in the transfer application, respondent No.2-wife had not claimed that the said case should

be transferred to a particular Presiding Officer. This court does not find any ground to interfere with the impugned order, which has been passed, considering the basic principle of law.

Accordingly, the petition in hand stands dismissed, being devoid of any merits.

January 17, 2018

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No