

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

120

CRM-M-24251-2018 (O&M)

Date of Decision : 24.07.2018

Kulwinder Pal Singh

...Petitioner

Versus

Paramjit Kaur

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Naveen Sharma, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner has prayed for the following relief:-

"Petitioner u/s 407 Cr.P.C. read with Section 482 Cr.P.C. for transfer of trial/proceeding pending before the court of Sh.Manmohan Bhatti, Judicial Magistrate Ist Class, Ludhiana in criminal complaint case No. COMA/55497/2013 dated 19.11.2013 under Section 138 of Negotiable Instrument Act, titled as Kulwinder Pal Singh versus Paramjit Kaur, which is now fixed for 23.07.2018, to any court of Competent jurisdiction within Punjab, peeing in view of hte facts and circumstances of the present case."

In support of his prayer learned counsel for the petitioner relied on para 6 of the order dated 02.09.2017 passed in Annexure P-5 which reads as under:-

"6. Therefore, taking into consideration the fact that the complainant in the present case is himself a practicing advocate at Ludhiana and the prevalent set of

circumstances, it would be miscarriage of justice if the accused being a rustic lady is ordered to undergo contempt of court proceedings for a statement which was recorded without any legal assistance available to her. Therefore, it can be ensued that the accused can only be held guilty only after granting her an opportunity to explain her case against the complainant. However, as far as the contention of the accused for withdrawal from her statement is concerned, since it was recorded on oath by the then Judicial Magistrate Ist Class, she can not be allowed to withdraw from her depositions. In the meantime, the accused is hereby granted opportunity to cross-examine the complainant after service of notice of accusation to her."

Perusal of para 6 it is not sufficient material to transfer the case unless there is a serious allegations and counter allegations if any. In view of these facts and circumstances, petitioner has not made out a case. Accordingly, petition stands dismissed.

24.07.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE***Whether speaking/reasoned?**Yes/No**Whether reportable?**Yes/No*