

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

CRM-M-35383-2016 (O&M)

Date of decision: 12.02.2018

M/s Bala Ji Panels and anr.

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Namit Khurana, Advocate for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Ramnish Puri, Advocate for respondents No.2 & 3.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for transfer of criminal appeal No.CRA/226/2015 titled as M/s Bala Ji Panels Versus Amit Kumar Tayal pending in one Court and criminal appeal No.CRA/227/2015 titled as M/s Bala Ji Panels Versus Sumit Kumar Tayal pending in another Court, to one Court and to set aside the order dated 13.09.2016 passed by the Sessions Judge, whereby the application filed by the petitioner for the same relief was dismissed.

Counsel for the petitioners submits that two complaints were filed under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act') by respondents No.2 and 3 before trial Court and were tried by the same Court and later, both were decided on 02.07.2015. It is further submitted that it will be convenient for the counsel for the petitioners-

accused to address the arguments in both these cases, as there is similarity of evidence and defence in both the cases.

Counsel appearing for respondents No.2 & 3 has no serious objection to the same and submits that both the appeals be assigned to the Court of Dr. N.K. Singhal, Additional Sessions Judge, Yamuna Nagar. It is further submitted that a direction be also issued to the appellate Court to dispose of the appeals expeditiously, in view of the fact that passing of the final order was stayed by this Court vide order dated 03.10.2016.

Learned State counsel has submitted that it is a dispute arising out of the complaints filed under Section 138 of N.I. Act and the State interest is not involved.

In view of the consensus made by the counsel for the parties, criminal appeal No.CRA/227/2015 titled as M/s Bala Ji Panels Versus Sumit Kumar Tayal pending in the Court of Sh. Chander Shekhar, Additional Sessions Judge, Yamuna Nagar is transferred to the Court of Dr. N.K. Singhal, Additional Sessions Judge, where the another criminal appeal No.CRA/226/2015 titled as M/s Bala Ji Panels Versus Amit Kumar Tayal is pending. It is further directed that the appellate Court will dispose of both the appeals on the same date preferably within a period of two months from today.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.02.2018
vishnu

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