

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CRM-M-37288-2017

Decided on: August 07, 2018.

JYOTI @ MALIKA & ORS.

.... Petitioners

Versus

VIVEK SOOD

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sukhdeep Singh Sidhu, Advocate
for the petitioners.

Mr. Buta Singh Bairagi, Advocate
for the respondent.

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed under Section 407 Cr.P.C. for transfer of the criminal complaint No.28 dated 21.10.2014 (RT-12 05.05.16/21.10.14), titled as “Vivek Sood Vs. Amit Sood @ Raju and others” registered under Sections 455, 504, 506, 323, 148 and 149 IPC (Annexure P-1), pending in the Court of learned Judicial Magistrate 1st Class Moga, to any other nearby District's Court.

The ground for seeking the transfer of the case is that petitioner Nos. 1 to 5 and the complainant are related inter se. In fact the petitioner No.3 is the real younger brother of Ramesh Chander Sood, who is father of the complainant. It is further contended that

Ramesh Chander is an Advocate and is practising in District Courts, Moga. The petitioner apprehend that the father of the complainant may exercise his influence as an Advocate, which may create some kind of hindrance in proper administration of justice to the petitioners.

Although, strictly speaking, this is not a ground for transfer of case at the request of the petitioners. However in all fairness, the learned counsel for the respondents/complainant, on instructions from his client, has submitted that he has no objection if the case is transferred from Moga to Faridkot District. However it is submitted by him that the present petition has been filed by the petitioners only to prolong the case. It is further contended that the charges in the case were framed on 20.09.2017.

It is trite to say that justice should not only be done but it should also appears to have been done. So to remove any traces of doubt that petitioners have not been given proper hearing, it would be appropriate to transfer the case to some other District. As stated above, the respondents have no objection if the trial of the case is transferred to Faridkot District. The petitioners have also stated that they do not have any objection, if the case is transferred to Faridkot District from Moga District.

In view of the above, the criminal complaint No.28 dated 21.10.2014 (RT-12 05.05.16/21.10.14), titled as “Vivek Sood Vs. Amit Sood @ Raju and others” registered under Sections 455, 504, 506, 323,

148 and 149 IPC (Annexure P-1), pending in the Court of learned Judicial Magistrate 1st Class Moga, is ordered to be transferred to District Faridkot.

The District & Sessions Judge, Moga is directed to transfer the above noted case to the District & Sessions Judge, Faridkot. Let the papers be put up before the learned District & Sessions Judge, Faridkot for onward assignment of the same to the appropriate Court.

However, it is further directed that trial of the case shall be completed expeditiously.

(RAJBIR SEHRAWAT)
JUDGE

August 07, 2018.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No