

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

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CRM-M-38786-2018 (O&M)

Date of Decision : 06.09.2018

Rajesh Rana

...Petitioner

Versus

Rakesh

...Respondent

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

Present: Mr. Gaurav Mohunta, Advocate and
Ms. Preeti Aggarwal, Advocate for the petitioner.

P.B. BAJANTHRI, J.(ORAL)

In the instant petition, petitioner has sought for the following relief:

“Petition under Section 407 read with Section 482 of the code of Criminal Procedure for transferring Criminal complaint No. 117 dated 25.04.2016 filed under Sections 138, 142 of Negotiable Instruments Act, 1881 (as amended upto date) pending before learned Judicial Magistrate Ist Class, Narwana, District Jind (Annexure P-1) to either Kurukshetra, Chandigarh or any other district except Jind.”

No reasons have been assigned except stating that among the parties they are facing different proceedings at Kaithal. Merely some other proceedings are pending in Narwana, District Jind. Petitioner cannot have any right to seek transfer of the present case. In this regard, Supreme Court time and again held that before transferring any proceeding, court has to examine relating to the inconvenience to the parties so also hampering of investigation if any. In the present petition except parties have some other proceedings pending at Kaithal, petitioner is not entitled to

transfer the complaint No. 117 dated 25.04.2016 from Narwana District Jind to Kaithal. The ground in support of transferring proceedings from one District to another District urged by the petitioner is too nebulous. Further, convenience of parties is required to be taken into consideration for the purpose of transfer of any proceeding from one District to another District. Convenience of parties does not mean the convenience of petitioner alone who approaches the Court with a trivial issue like some proceedings are pending in a particular court. Convenience for the purposes of transfer means the convenience of prosecution, other accused, witnesses and larger interest of society is required to be taken into consideration. Thus, petitioner has not made out a case for transfer the proceedings from one District to another District.

Accordingly, petition stands dismissed.

06.09.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/ No

Whether reportable?

Yes / No